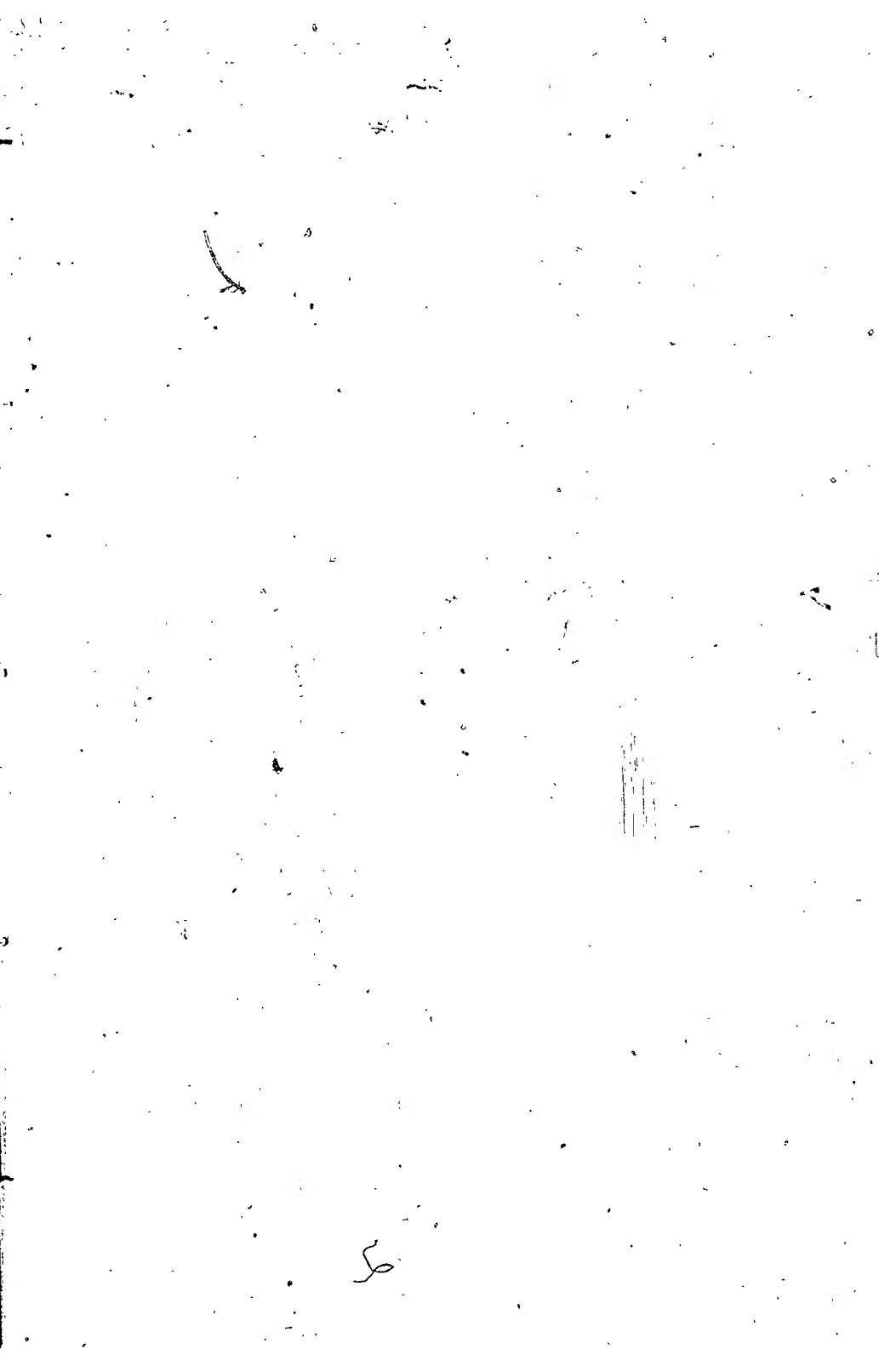
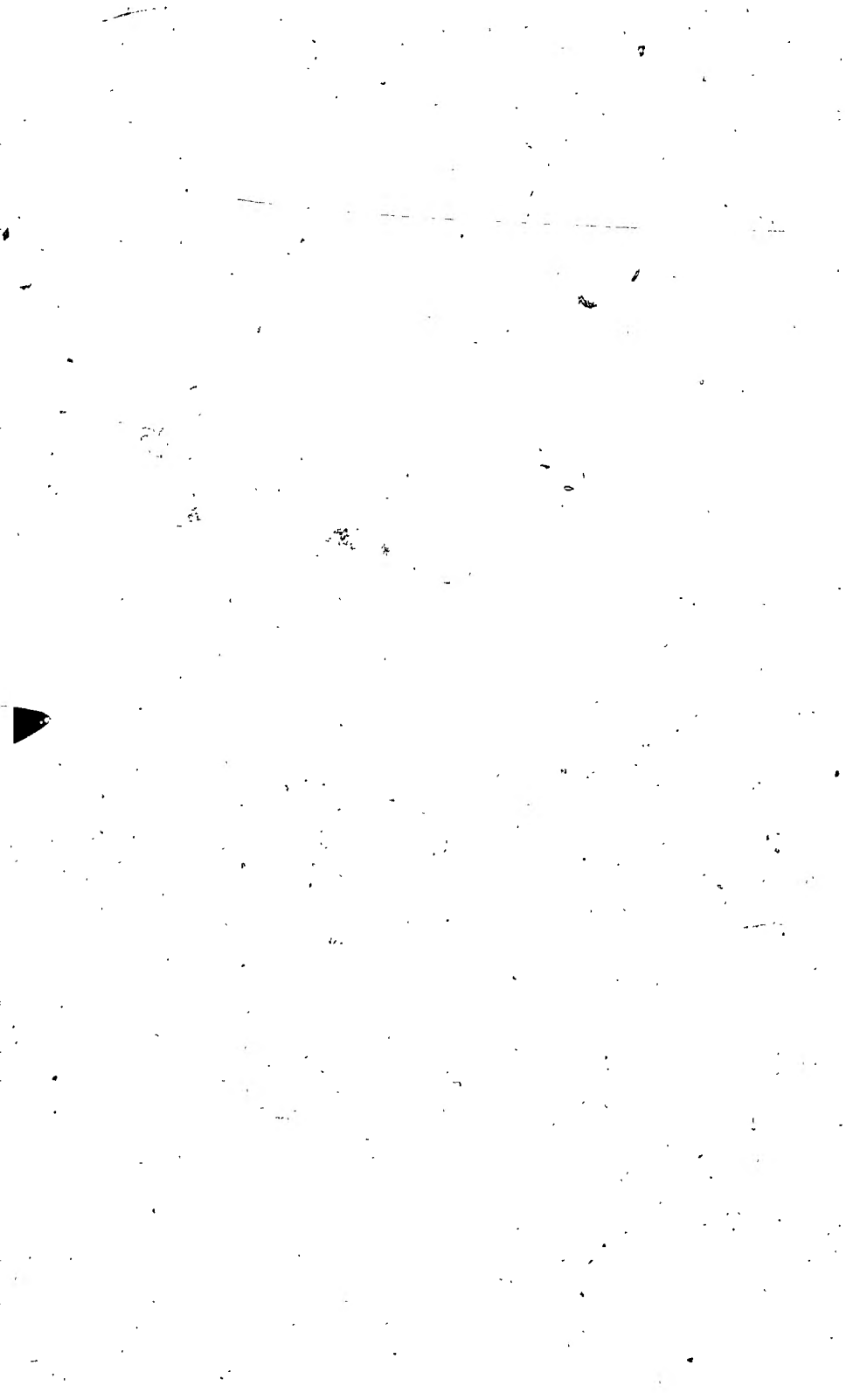




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THE
CANADIAN PACIFIC RAILWAY.

MONTREAL:

"GAZETTE" PRINTING HOUSE, NEARLY OPPOSITE POST OFFICE.

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THE CANADIAN PACIFIC RAILWAY.

INTRODUCTION.

The Company have caused to be printed in this pamphlet the Royal Letters Patent constituting their Charter of Incorporation, and embodying the agreement between them and the Government; together with the legislation of the Parliament of Canada specially applicable to the enterprise and to the charter. But to enable the exact position of the Company to be seen with the least possible expenditure of time, they propose to state in a summary way the effect of this legislation, and of the letters patent issued under it, in so far as they confer upon the Company any advantages or privileges useful to the undertaking.

They will endeavour to make this statement as explicit as possible, and in such order that the general features of the enterprise may be seen at a glance. For that purpose they will consider the subject in the following order, namely:

1. As to the nature and extent of the enterprise itself, and the order in which it is to be proceeded with and completed.
2. As to the organization and powers of the Company.
3. As to the benefits by way of subsidy which the Government of Canada have conferred upon the Company.
4. As to the powers granted to facilitate the use of these advantages.
5. As to the general provisions contained in the Letters Patent.

And, lastly, the consequences to the Company in the event of failure to perform their contract.

Taking the subject in this order, the enterprise which the Company have undertaken is in effect as follows:—

NATURE AND EXTENT.

To construct, equip, maintain and work a railway from some point on the south shore of Lake Nipissing to some point on the shore of the Pacific Ocean: together with branches from the main line, from some point in the Province of Manitoba, to the southern boundary line of the Dominion; and from some point on the main line between Lake Superior and Fort Garry, to some point on Lake Superior. The termini

and course of the Railway and branches, to be determined by the Government of Canada. The Railway and branches thus provided for, are divided into five sections:

The Eastern Section: extending from the eastern terminus to Red River.

The Lake Superior Section: extending from some point on the eastern section to Lake Superior.

The Central Section: extending from Red River to a point in the longitude of Fort Edmonton.

The Manitoba Section: extending from the main line in the Province of Manitoba to the boundary of the United States.

The Western Section: extending from a point in the longitude of Fort Edmonton to the Pacific coast.

The manner in which the Railway is to be constructed and worked, the materials to be used in it, and the description and capacity of its locomotives and other rolling stock, are all to be settled by agreement between the Government and the Company. If they fail to agree, these points are to be decided by arbitrators. And the Union Pacific Railway of the United States is fixed upon as an approximate standard whereby such matters are to be regulated; with the exception of minor details found objectionable, and the alignments and grades; the latter of which are to be as favorable as the nature of the country will admit of, without undue expenditure.

The order in which the Railway is to be proceeded with and completed is thus described in the Charter: "The construction of the Railway is to be commenced simultaneously from the Pacific Ocean, eastward, and from a point in the Province of Ontario, to be determined by the Government, westward, on or before the 20th of July, 1873. The Manitoba Section is to be completed by the 31st of December, 1874. The Lake Superior Section, and such portion of the eastern section as shall be required to complete the connection between Lake Superior and Red River, are to be finished by the 31st December, 1876. The Eastern and Western sections are to be proceeded with simultaneously. And the Company are bound to prosecute the work of construction with due diligence, and to complete the whole Railway on or before the 20th of July, 1881; unless that period be by Act of Parliament enlarged."

ORGANIZATION OF THE COMPANY.

The Company are organized upon a subscribed capital of ten million dollars, of which one million is placed in the hands of the Receiver General of the Dominion, to serve as a guarantee for the *bona fides* of the parties; and with the remainder of the subscribed stock to serve as security to the Government for the performance by the Company of their agreement. The Stockholders of the Company, who are the persons with whom



the Government contracted in the first instance, are not to divest themselves of their stock without the express consent of the Government and of the Directors; and further calls are prohibited for the time being, in order that the stock may constitute a guarantee fund in the interest of the public, for the entire performance of the contract.

The Directors are thirteen in number, of whom seven constitute a quorum. If a quorum be present, the absent directors may vote by proxy, such proxy to be held by one of those present, and each director being competent to hold only one proxy. The directors retire in the proportion of about one-third in each year; the retiring directors, however, being eligible for re-election.

The Company have ample powers for the regulation of their internal economy by by-laws.

THE LAND AND MONEY SUBSIDIES.

The Government of Canada grants in aid of the main line of railway, fifty million acres of land, and in addition, twenty thousand acres per mile for the Manitoba section, and twenty-five thousand acres per mile for the Lake Superior section. The total grant, therefore, amounts to about fifty-five million acres of land. As regards the Province of Ontario and British Columbia, the Company are bound to take lands in those Provinces in aid of the portion of the Railway lying within their boundaries. That is to say, in British Columbia from a tract extending twenty miles on each side of the Railway, and in Ontario wherever that Province shall vote to allot it.

As respects the land within the territory of the Dominion, it is selected in the following manner:—

1. It is laid out in blocks not exceeding twenty miles in depth on each side of the main line, and not less than six nor more than twelve miles in width, alternating with blocks of like depth and width, reserved by the Government. But the Company are not bound to receive as part of this, or any other grant from the Dominion under the Act, any lands unfit for settlement, beyond one mile in depth from the Railway.

2. The deficiency in the amount of land grant, after deduction of the quantity lying along the line of railway, and of any reserved or located lands; and any deficiency in the land which may be granted by the Province of Ontario; for the section running through Ontario; shall consist of such land as shall be found east of the Rocky Mountains, between parallels 49 and 57 of north latitude. The Company are not bound to receive any lands in this district which are not of the fair average quality of the lands in the sections of country lying within those limits best adapted for settlement. And the lands are to be laid out in alternate blocks on each side of a common

front line or lines; and as nearly as may be, contiguous to the lands granted along the main line of the Railway, and to the Lake Superior section.

The right of way through Dominion lands is also granted to the Company; and they are allowed to take for that purpose a greater width of land than is permitted by the Railway Act.

The Company also are authorized to take from public lands adjacent to or near the railway, all materials necessary or useful for its construction; and also a greater extent of land for stations, depots, workshops, buildings, wharves, harbors and roadways, and for screens against snow, than is permitted by the Railway Act; subject to allowance by the Government.

The money subsidy consists of a grant of thirty million dollars. The land is granted, and the money paid, from time to time by instalments, as any portion of the Railway is proceeded with, in proportion to the length, difficulty of construction, and cost of such portion; the land at intervals of six months, and the money at intervals of one month. And for the purpose of facilitating the allotment of the money and lands, the Railway is to be divided into convenient sections; and as soon as sufficient information has been obtained respecting the difficulty and cost of construction of such sections, the proportion of land and money subsidy applicable to each of them is to be determined by agreement between the Government and the Company; subject to arbitration in case of any question arising, as is provided respecting the construction and running of the railway.

The land and money subsidies therefore may be summed up as follows:—

1. Fifty-five million acres of land to be taken from the territory through which the railway passes and along its line, in the manner indicated by the charter: deliverable to the railway Company at intervals of six months according to the length, difficulty of construction, and expenditure upon the railway.

2. Thirty million dollars payable to the Company at intervals of one month, in similar proportions to the land grant:— from which, however, must be deducted the expense of the survey, which has been proceeding during a part of the last two years.

3. Very extensive powers in respect to land for railway depots, stations, wharves, screens against snow, and like purposes.

The details of these grants are regulated in a manner favorable to the Company. The Government undertakes to extinguish the Indian title if any such be claimed; and it is prohibited from selling the land it retains except at such prices as shall be from time to time adjusted between it and the

Company: and at an average upset price of not less than \$2.50 per acre, unless otherwise agreed to by the Company; or unless the Company sell their own lands at a lower average price.

THE POWERS RESPECTING THE SUBSIDIES.

Ample powers are provided in the Charter for the advantageous use of the subsidies. The Company are authorized to create by By-law, a Board of Trustees, to consist of three persons, chosen and removable at pleasure: one by the Government, one by the Directors, and one by or on behalf of the bondholders. Any vacancy in this Board to be filled by the body which originally made the appointment of the retiring or deceased Trustee.

The Board of Trustees may be authorized to receive from the Government the money subsidy of thirty million dollars as earned, net proceeds of the sales or leases of lands, and any other subsidies or aids that may be granted to the Company by the Government of any Province, or by any municipal or other corporation.

They are to hold these funds in trust to pay the expenses of the trust, and to invest the balance in the securities pointed out by the Charter. These securities and investments are to form a fund wherewith to pay the bonds of the Company and interest. And upon the duties and powers of the trustees being fixed by a By-law, and any agreement or contract made with bondholders on the strength of which an advance is received by the Company, the Company and the trustees cease to have power any longer to affect the securities of the Company by any act of theirs. In addition to the duties thus imposed upon the Board of Trustees, it is provided that they should conform to any order of the direction respecting the performance of their duties, which may be concurred in by the Company and by the bondholders. And further, that they shall have such further and other powers as may be conferred upon them by any By-law of the Company not contrary to the Charter and approved of by the Government.

The land is to be managed and disposed of by the Commissioners or Agents appointed by the Company with such powers as shall be regulated by By-law. And the Company is obliged to render to the Board of Trustees yearly accounts of all sales, leases or other disposition of lands, and to remit to the trustees the net proceeds thereof, after deduction of cost of management and sale, which cost it is provided shall never exceed ten per cent. of the gross profits.

GENERAL PROVISIONS.

The Company have ample powers to keep stock and bond registers and transfer books in London, and to make arrange-

ments for the registration and transfer of shares and bonds there.

They are allowed to make promissory notes and bills under reasonable restrictions.

They are permitted to make arrangements with any other incorporated Railway Company in Canada, or in the United States, for advantageous connections, and the mutual interchange of traffic; or for the lease or acquisition of other railways, the whole subject to the approval of the Government.

They are authorized to build a telegraph line, and to transmit messages thereon for the public, if they see fit so to do.

They are authorized to issue bonds constituting a charge on their lands and revenues, and on the Railway and its appurtenances, to an extent not exceeding forty thousand dollars a mile, unless such limit be increased by Government.

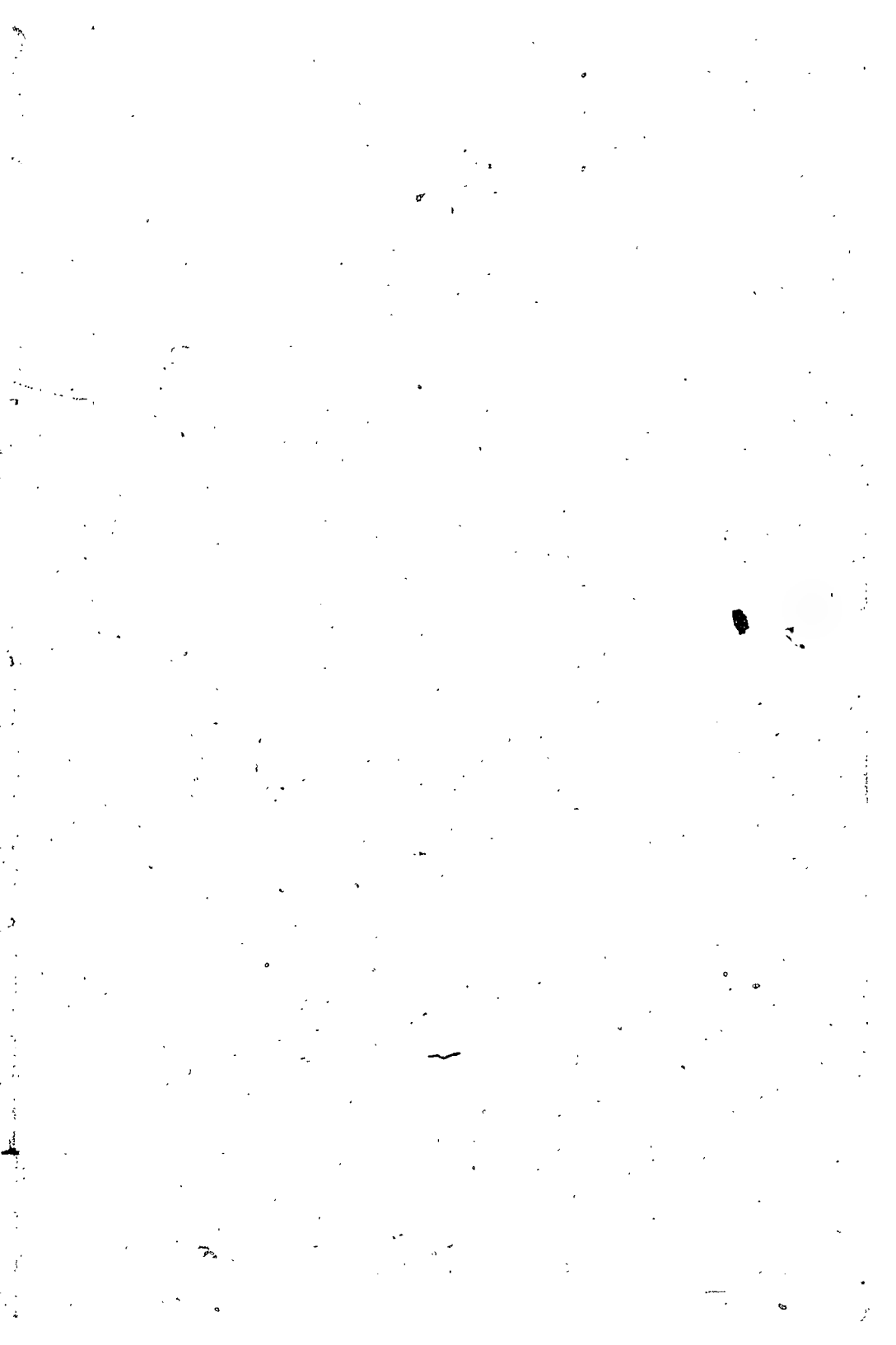
They are authorised to have agents in England for the payment of their dividends, and for transfers of stock and bonds there.

They are authorised to make By-laws which require to be approved of by the Government, to regulate the details of almost all the matters with which they are authorised to deal.

THE CONSEQUENCES TO THE COMPANY IN THE EVENT OF FAILURE TO PERFORM ITS AGREEMENT.

If the Company have not by the first of January, 1874, made arrangements to the satisfaction of the Government, for raising the money required for the construction and working of the Railway, the Government may by proclamation issued at any time on or before the first of May, 1874, declare the Charter and all agreements made thereunder null and void.

Montreal, 1st March, 1873.



LETTERS PATENT

INCORPORATING

The Canadian Pacific Railway Company.

CANADA.

VICTORIA, BY THE GRACE OF GOD OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND,
QUEEN, DEFENDER OF THE FAITH, ETC., ETC.

To all whom these presents shall come GREETING :

WHEREAS, by an Act of the Parliament of Canada, passed in the thirty-fifth year of our reign, entitled "An Act respecting the Canadian Pacific Railway," it is provided, upon the considerations therein declared, that a Railway, to be called "The Canadian Pacific Railway," should be made, in conformity with the agreement referred to in the preamble to the said Act, and should extend from some point on or near Lake Nipissing and on the south shore thereof, to some point on the shore of the Pacific Ocean; both the said points to be determined by the Governor in Council, and the course and line of the said Railway between the said points to be subject to the approval of the Governor in Council.

AND WHEREAS, it is, by the said Act, further provided, that the Government of Canada might further agree with the Company with whom they shall have agreed for the construction and working of the said railway, for the construction and working of a branch

line of railway, from some point on the railway first therein before mentioned, to some point on Lake Superior in British territory; and for the construction and working of another branch line of railway from some point on the railway first mentioned, in the Province of Manitoba, to some point on the line between that Province and the United States of America, the said points to be determined by the Governor in Council; and that such branch lines of railway should, when so agreed for, be held to form part of the railway first thereinbefore mentioned, and portions of *The Canadian Pacific Railway*.

AND WHEREAS, amongst other things, it is by the said Act in effect provided, that if there should be no company either incorporated originally for the construction of the whole line of railway, or formed out of two or more companies for that purpose, or if the Government could not agree, or did not deem it advisable to agree, with any such company for the construction and working of the whole line of railway under the said Act, or if the Government should be of opinion that it would be more advantageous for the Dominion, and would better ensure the attainment of the purposes of the said Act, that a Company should be incorporated by Charter as therein provided, then if there should be persons able and willing to form such Company, and having a subscribed capital of at least ten million dollars, secured to the satisfaction of the Governor in Council, and ready to enter into such agreement with the Government for the construction and running of the said railway, the Governor should have power, upon the conditions in the said Act mentioned, to grant such persons, and those who should be associated with them in the undertaking, a Charter embodying the agreement made with such persons which should be binding on the Company and so much of the said Act, and of the Railway Act (as

such Railway Act was modified by any Act of the now last Session, with reference to any Railway to be constructed under such Act on any of the lines or between any of the points mentioned in the said Act now in recital) as should be agreed upon between the Government and such Company; and that such charter being published in the *Canada Gazette*, with any order or orders in Council relating to it, should in so far as it is not inconsistent with the said recited Act, have force and effect as if it were an Act of the Parliament of Canada.

AND WHEREAS, the Government has failed to induce the two companies incorporated by Parliament during its last Session for the purpose of constructing the railway, to form one Company, and does not deem it advisable to agree with either of the said two Companies for the construction of the railway, and is of opinion that it will be more advantageous for the Dominion, and will better ensure the attainment of the purposes of the Act first above mentioned, that a company shall be incorporated by charter as in such Act provided:

AND WHEREAS, Sir Hugh Allan, of the city of Montreal, Knight; The Honorable Adams George Archibald, of the city of Halifax, C. M. G., a member of the Queen's Privy Council for Canada; The Honorable Joseph Octave Beaubien, of Montmagny, Commissioner of Crown Lands in the Province of Quebec; Jean Baptiste Beaudry, of the city of Montreal, Esquire; Egerton Ryerson Burpee, of the city of Saint John, Esquire; Frederick William Cumberland, of the city of Toronto, Esquire; Sanford Fleming, of the city of Ottawa, Esquire; Robert Newton Hall, of the town of Sherbrooke, Esquire; The Honorable John Sebastian Helmcken, of the city of Victoria; Andrew McDermot, of the town of Winnipeg, Esquire; Donald McInnes, of the city of

Hamilton, Esquire; Walter Shanly, at present of the town of North Adams, in the United States of America, Esquire; and John Walker, of the city of London, in the Province of Ontario, Esquire; have shewn themselves to be able and willing to form such Company for the construction and working of the railway and branches; and have subscribed a capital sum of ten million dollars, secured to the satisfaction of the Governor in Council, and have so subscribed the same in the proportions following, that is to say: \$3,846,000, or nearly five-thirteenths, in the Province of Ontario; \$3,076,800, or nearly four-thirteenths, in the Province of Quebec, and \$769,300, or upwards of one-thirteenth, in each of the Provinces of Nova Scotia, New Brunswick, Manitoba and British Columbia, respectively; And are ready to enter into an agreement with the Government for the construction and working of the railway and branches; and the Government has agreed with the said persons for the construction and working of the railway and branches.

AND WHEREAS, the agreement so made and entered into between the said persons and the Government, is embodied in this Our Royal Charter,

NOW, THEREFORE, KNOW YE, that WE, of our especial grace, certain knowledge, and mere motion, and in pursuance of the power vested in us by the Act hereinbefore in part recited, do ORDAIN, GRANT AND DECLARE, that the said Sir Hugh Allan; Honorable Adams George Archibald; Honorable Joseph Octave Beaubien; Jean Baptiste Beaudry, Esquire; Egerton Ryerson Burpee, Esquire; Frederick William Cumberland, Esquire; Sanford Fleming, Esquire; Robert Newton Hall, Esquire; Honorable John Sebastian Helmcken; Andrew McDermot, Esquire; Donald McInnes, Esquire; Walter

Shanly, Esquire; and, John Walker, Esquire; together with all such persons as shall become associated with them in the undertaking, for the purposes herein mentioned, shall be and are hereby constituted, a body corporate and politic, by the name, style and title of "The Canadian Pacific Railway Company," and by that name, they and their successors shall and may have continued succession; and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever. And that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the name of "The Canadian Pacific Railway Company," shall be in law capable of taking, purchasing, and holding to them and their successors, any estate, real, personal, or mixed, to and for the use of the Company, and of selling, conveying, leasing or otherwise departing therewith, for the benefit and on the account of the Company, from time to time, as they shall deem expedient or necessary, subject to the provisions, restrictions and limitations hereinafter contained.

STOCK.

2. AND WE DO FURTHER ORDAIN AND DECLARE that the capital stock of the Company shall be ten million dollars, which shall not be increased but by Act of Parliament (such capital stock having been already subscribed as aforesaid), to be held in shares of one hundred dollars each, which shall in all respects be deemed personal property, and ten per centum thereon shall be paid into the hands of the Receiver-General of Canada, in money or Canadian Government secu-

rities, within one month after the date of these presents, to remain in his hands until otherwise ordered by Parliament. And the interest received by the Receiver-General from the investment of such money and from such securities shall be paid to the Company as received, until he shall be authorized by the Government to withhold and retain the same by reason of some default incurred by the Company in the performance of the conditions of this Charter, or of any subsequent agreement between the Government and the Company.

3. That the shares of the said capital stock shall, after the first deposit thereon has been paid, be transferable; but no transfer made within six years from the date hereof shall be valid or effectual, unless it be made with the consent of the Government, and of the Directors, and registered in the books to be kept by the Company for that purpose; nor after six years, unless it be made with the consent of the Directors, and registered as aforesaid. And in the event of the right of property in any of the shares in the Capital Stock of the Company becoming transmitted otherwise than by direct transfer, the person claiming the same shall be bound to establish such claim in the manner provided for the transmission of Bank Stock by the Act 34 Vic., cap. 71, intituled, "An Act respecting Banks and Banking." And in the event of the bankruptcy or insolvency of any holder of any shares not fully paid up, or of the sale thereof under execution, such shares shall be *ipso facto* forfeited, but the Company shall pay the purchaser of such shares, or the Assignee, or other representative of such Shareholder, for such shares at the current value thereof.

4. That no call shall be made upon the stock of the Company beyond or above the first deposit of ten per centum thereon, save as in this clause mentioned, and the balance of ninety per centum thereof shall not

be called up until after the expenditure of the money to be raised upon the bonds of the Company or otherwise, as hereinafter authorized and provided; but such balance shall remain as a security to the Government for the final completion and equipment of the railway. After such expenditure the Directors may, from time to time, if necessary, with the approval of the Government, call upon the shareholders for such instalments upon each share, and in such proportion as the Directors may see fit; except that no such instalments shall exceed ten per centum on the subscribed capital, and that ninety days' notice of the time fixed for the payment thereof shall be given in such manner as the Directors shall think fit. And such calls shall not be made more frequently than once in ninety days.

RAILWAY.

5. That the Company, may and shall lay out, construct, equip, maintain and work a continuous railway, of the width or gauge of four feet eight and one-half inches; which railway shall be made in conformity with the Act hereinbefore recited, and with this Our Royal Charter; and such railway shall extend from some point on or near Lake Nipissing, and on the south shore thereof, to some point on the shore of the Pacific Ocean, both the said points to be determined by the Government, and the course and line of the said railway between the said points to be subject to the approval of the Government.

6. That the Company may and shall lay out, construct, equip, maintain and work a branch line of railway from some point on the railway in the last preceding clause mentioned, to some point on Lake Superior, in British territory, and also another branch line of railway from some point on the railway in the last preceding clause mentioned, in the Province of Manitoba, to some point

on the line between that Province and the United States of America, the said points and the courses and lines of the said branches between the said points to be determined by the Government; the said branches to be of the gauge aforesaid; and such branch lines of railway shall form part of the railway in the last preceding clause mentioned, and portions of the Canadian Pacific Railway.

7. The railway shall be divided into sections, as follows:—

- (1.) THE EASTERN SECTION.—Extending from the Eastern Terminus to Red River.
- (2.) THE LAKE SUPERIOR SECTION.—Extending from some point on the Eastern Section to Lake Superior.
- (3.) THE CENTRAL SECTION.—Extending from Red River to a point in a longitude of Fort Edmonton.
- (4.) THE MANITOBA SECTION.—Extending from the main line in the Province of Manitoba to the Boundary of the United States.
- (5.) THE WESTERN SECTION.—Extending from a point in the longitude of Fort Edmonton to the Pacific coast.

8. That the Company shall, within two years from the twentieth day of July, in the year 1871, commence simultaneously the construction of the railway from the Pacific Ocean towards the Rocky Mountains, and from a point in the Province of Ontario hereafter to be determined by the Government, towards the Pacific Ocean, to connect the seaboard of British Columbia with the railway system of Canada: and further shall construct the Manitoba section by the thirty-first day of December 1874: the Lake Superior section and such portion of the eastern section as shall be required to complete communication between Lake Superior and

Red River, by the thirty-first day of December, 1876; shall proceed with and construct the eastern and western sections simultaneously; shall prosecute the work of constructing the railway with all due diligence; and shall complete the whole railway within ten years from the said twentieth day of July, 1871, unless the last mentioned period shall be enlarged by Act of Parliament, in which case the company shall complete the whole railway within such extended period.

9. That the railway shall be constructed and equipped according to specifications to be hereafter agreed upon between the Government and the Company, and the materials of, and manner in which the several works forming part thereof shall be constructed, and the mode of working the railway, or any part thereof, including the description and capacity of the locomotive engines and other rolling stock for working it, shall be such as may be hereafter agreed upon between the Government and the Company; Provided always that if the Government and the Company should be unable to agree as to the details of any of the matters in this clause mentioned, the same shall be, from time to time, referred to the determination of three competent Engineers, one of whom shall be chosen by the Government, one by the Company, and a third by such two Engineers, and the expenses of said references shall be defrayed by the Company. And in order to establish an approximate standard whereby such matters may be regulated, the Union Pacific Railway of the United States is hereby selected and fixed as such standard, but in a general way only, and not with respect to any minor details in its construction or working which may be found to be objectionable, nor with respect to alignment and grades, which shall be as favourable as the nature of the country will admit of without undue expenditure.

10. That whenever any portion of the railway exceeding twenty miles is completed, the Company shall, upon being thereunto required by the Government, work the same for the conveyance of passengers and goods, at such times and in such manner as shall be from time to time agreed upon between the Government and the Company, or in case of failure to agree, as shall be determined by three Engineers selected as hereinbefore provided.

11. That the Government may, from time to time, appoint such persons as it may think proper, to examine, inspect and report upon the construction and equipment of the railway, for the purpose of ensuring the faithful performance of the agreement between the Government and the Company, and the observance of all the provisions of this charter.

12. That the Company may and shall construct, maintain and work a continuous telegraph line throughout and along the whole line of the railway, such telegraph line being required for the proper working of the railway, and forming a necessary appendage thereto.

13. That the Company shall from time to time furnish such reports of the progress of the work, with such details and plans of the work as the Government may require.

LAND GRANT.

14. That to secure the construction of the main line of railway, and in consideration thereof, there is hereby appropriated a grant to the Company of fifty million acres of land, which land, with the exceptions hereinafter mentioned, the Company shall be entitled to demand and receive in the Provinces of Manitoba and British Columbia; and in the North-West Territories, in blocks not exceeding twenty miles in depth on each side of such main line and not less than six nor more than twelve miles in width, alternating with blocks of like depth and width on each side thereof, reserved by the Government.

That to secure the construction of the branch lines, and in consideration thereof, the Company shall be entitled to demand and receive from the Government in the North-West Territories, a land grant in aid of the branch line to Lake Superior, of twenty-five thousand acres per mile; and a land grant in aid of the branch line in Manitoba, of twenty thousand acres per mile.

That the land to be granted in aid of the main line, which shall not be comprised within the alternate blocks herein before mentioned, or be within the Province of Ontario, shall be allotted to the Company in alternate blocks on each side of a common front line or lines, in like manner as the blocks granted and reserved along the line of the railway. And the land grant which the Government may be unable to make to the Company for the purposes aforesaid, under any arrangement with the Government of the Province of Ontario, shall be received by the Company as part of the said land grant in aid of the main line.

But no land grant shall include any land then before granted to any other party, or on which any other party has any lawful claim of pre-emption or otherwise, or any land reserved for school or other public purposes, or any land reserved, or to be reserved under agreement with the Hudson's Bay Company, and the deficiency arising from the exception of any such lands shall be made good to the Company by the grant of an equal extent from other wild and ungranted Dominion lands.

That if it shall be found that any of the alternate blocks laid out along the line of the railway are unfit for settlement, the Company shall not be bound to receive from the Government any greater depth of land in such blocks than one mile, computed from the railway.

That the lands to be granted in aid of the main line

of railway from out of the lands of the Dominion, and the lands to be granted in aid of the said branches, shall consist of such land as shall be found east of the Rocky Mountains between parallels forty-nine and fifty-seven of north latitude, and the Company shall not be bound to receive any lands which are not of the fair average quality of the land in the sections of country best adapted for settlement lying within those limits; and the same shall be laid out, as nearly as may be, contiguous to the lands granted along the main line of the railway, and to the Lake Superior branch.

The Company shall also have a right of way for the railway through Dominion lands.

The lands hereby appropriated to the Company shall be granted from time to time, at intervals of six months, as any portion of the railway is proceeded with, in quantities proportionate to the length, difficulty of construction and expenditure upon such portion, to be determined in such manner as hereafter is provided.

15. That the price at which the alternate blocks of land retained by the Government shall be sold by the Government, shall be from time to time adjusted by agreement between the Government and the Company, according to the price that is found to be obtainable for such lands without obstructing the settlement of the country. But unless the Company shall sell lands granted to them at a lower average price, or shall otherwise agree, the Government shall, for and during the term of twenty years from the date hereof, retain the upset price of such alternate blocks at an average price of not less than two dollars and fifty cents per acre. But this provision shall have no force or effect unless sanctioned by parliament.

16. That the subdivision of blocks of land granted to the Company shall be made in conformity with the system of survey prescribed by the Dominion Lands

Act, and any amendment thereof; and shall be made by the Company, and be subject to the inspection and approval of the Surveyor-General of Dominion lands.

17. That the Government shall extinguish the Indian title affecting the lands herein appropriated, and to be hereafter granted in aid of the railway.

SUBSIDY.

18. That a subsidy or aid in money, amounting to thirty million dollars, is hereby granted to the Company, payable from time to time by instalments at intervals of one month as any portion of the railway is proceeded with, in proportion to the length, difficulty of construction and cost of such portion, such proportion to be ascertained and settled in the same manner as is herein provided with respect to the grants of land.

19. That the Company shall allow as part of the subsidy, the cost of the survey made in the years one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-two, and to be made in the year one thousand eight hundred and seventy-three, by the Government of Canada, for the purpose of ascertaining the best line for the railway.

20. That it shall be lawful for the Company to accept and receive from the Government of any Province or from any Municipality in Canada, or from any Corporation, a subsidy or aid, in money, or bonds, or securities, payable in such manner, at such times, on such conditions, and at such places in Canada, or elsewhere as may be agreed upon with the Company.

BOARD OF TRUSTEES.

21. That the Company may by By-Law create a Board of Trustees, to consist of three persons, to be chosen and to be removeable at pleasure, as follows, that is to say: one member thereof by the Government,

one other member thereof by the Board of Directors, and one other member thereof by or on behalf of the bondholders, in such manner as may be provided by such by-law; and upon the completion of such Board by the choice of such members the same shall be published by the Secretary of the Company in the *Canada Gazette*.

22. That the removal, resignation, mental incapacity, or insolvency of any member of the Board shall vacate his appointment as such; and thereupon or upon the death of any member, the vacancy occasioned thereby shall be filled by the choice of a person to be a member of the said Board by the Government, the Board of Directors, or the bondholders, as the case may be, by whom the member whose vacant seat is to be filled was originally chosen. And such change shall be published in the manner aforesaid.

23. That the duties and powers of the Board of Trustees shall be as follows:—

I. To receive from time to time from the Government of Canada such portion or portions of the subsidy of thirty million dollars as may be earned by, and payable to the Company as hereinbefore mentioned.

II. To receive from time to time the nett proceeds of the sales or rents of such portions of the land hereby appropriated as may from time to time be sold or leased by the Company; and also all such subsidies and aids as may be granted to the Company by the Government of any Province, or by any Municipality or other Corporation.

III. To pay the Board of Trustees, for their services, such sums of money as shall be from time to time fixed by by-law of the Company.

IV. After payment of the expenses of the trust, to invest all monies received by them as Trustees in the securities of the Government of Canada, or of any of

its Provinces, or of the United Kingdom of Great Britain and Ireland, or of any of the Colonies of the United Kingdom, or of the British Possessions in India, or of the United States of America; and the Board may from time to time sell any such securities, and shall in any such case forthwith re-invest the proceeds of any such sale in other securities of the nature and kind hereinbefore mentioned, or in lieu thereof, when so directed by resolution of the bondholders passed in accordance with a by-law of the Company, purchase outstanding bonds of the Company.

v. The investments to be so made as hereinbefore directed, and the securities whereof the same shall from time to time consist, shall form a sinking fund; to be held by the Board of Trustees, upon the trusts following, that is to say, upon trust to pay all costs and charges, which may be incurred in respect of the execution of the trusts hereby created, and in the investment and re-investment as hereinbefore mentioned, and thereafter upon trust to pay the interest upon the bonds of the Company, as the same shall, from time to time become due and payable, and thereafter upon trust to pay and discharge the bonds of the Company as the same, and the principal money thereby secured, shall mature and become due and payable; and upon this further trust, after full payment and discharge of all sums of money of principal, and interest upon the bonds of the Company, and of all costs and charges incurred in respect of the execution of the trusts hereby created, to transfer the said sinking fund, and the securities thereof to the Company, to and for, the absolute use, and behoof of the Company; and the trusts hereby created shall, thereupon cease and absolutely determine.

vi. The Board of Trustees shall conform to any order or direction respecting the performance of its duties,

which may be concurred in by the Company and by the Bondholders acting as provided by by-law.

24. That the Board shall have such further, and other powers in the premises, as may be conferred upon them by any By-Law of the Company approved by the Government. But no such By-Law shall be contrary to, or inconsistent with, the provisions of this charter.

25. That a majority of the Board of Trustees may lawfully exercise the powers of the Board, and the action of such majority shall be held to be the action of the Board. But none of the powers hereby vested in the Company or in the Board of Trustees or the majority of them, shall be acted upon contrary to or inconsistent with the provisions of any agreement which shall be duly entered into by the Company, or the Board of Trustees, or by both; with any person or persons who may agree to become holders of the bonds of the Company. And any agreement, resolution or proceeding made or taken contrary to, or inconsistent with such agreement, to the detriment of such bond-holders, shall be absolutely null and void in law, and shall have no force or effect whatever.

LAND MANAGEMENT.

26. That the Board of Directors may, from time to time, appoint Commissioners or Agents for the management and disposal of the lands of the Company with such powers and duties as shall be provided by the by-laws of the Company.

27. That the Company shall render to the Board of Trustees, yearly accounts of all sales, leases or other disposition of lands; and shall from time to time pay over to the Board of Trustees, the nett proceeds thereof, after deduction of the cost of management and sale,

such cost not to exceed ten per centum of the gross proceeds.

POWERS OF COMPANY.

28. That the Company shall, from time to time, cause the names of the several parties interested in the stock of the Company, and the amount of interest therein of such parties respectively, to be entered in a book to be called "The Stock Register," and may in like manner cause the names and interest of the bondholders to be recorded from time to time in a book to be called "The Bond Register," and duplicates of all registers of stock and bonds of the Company, and of the holders thereof, kept at the principal office of the Company in Canada, may be transmitted to and kept by the agent for the time being of the Company in London.

29. That the Company may pay to the shareholders, interest on the amount of their paid up capital at the rate of five per centum per annum, during the construction of the railway and works.

30. That the Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and all such promissory notes made and endorsed, and such bills of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, under the authority of the Board, shall be binding on the Company; and may also issue scrip with the like signatures, redeemable in the stock of the Company, or in lands, or in both; and in no case shall it be necessary to have the seal of the Company affixed to any promissory note, bill of exchange, or scrip; Provided, however, that nothing in this section shall be construed to authorize the Company to issue any notes or bills of exchange payable to bearer, or

intended to be circulated as money, or as the notes or bills of a bank.

31. That the Company may, with the approval of the Government enter into and conclude any arrangements with any other incorporated railway company in Canada or the United States, for the purpose of making any branch or branches to facilitate a connection between the railways of the Company and of such other incorporated company, and they may, with like approval, enter into arrangements for the mutual interchange of traffic with all railway companies completing their lines to the lines of the Company; and they may, with like approval, lease or acquire such last mentioned railway or railways, or make running arrangements therewith, and generally may, with like approval, enter into such arrangements as will secure uniform and complete railway connection with the system of railways now or hereafter existing in Canada or the United States.

32. That the Company, after the opening of the railway, or any part thereof, to the public, shall annually submit to the Parliament of Canada, within thirty days after the opening of each session thereof, a detailed and particular account, attested by the President and Secretary of the Company, of all monies by them earned on the part so opened, together with the running expenses thereof, with a classified statement of the tonnage of freight, and the number of passengers conveyed over the said road; and shall comply with any further provisions which Parliament may hereafter make with regard to the form or details of such account or the mode of attesting or rendering the same.

33. That the Company may, until such right is determined by Parliament, undertake the transmission of messages for the public by any line of telegraph they may construct on the line of their railway, and collect

tolls for so doing; or may, with the approval of the Government lease such line of telegraph, or any portion thereof, subject to any provisions herein contained; and, if they think proper to undertake such transactions, they shall be subject to the provisions of the fourteenth and following clauses of chapter sixty-seven of the Consolidated Statutes of Canada.

DIRECTORS AND THEIR POWERS.

34. That the said Sir Hugh Allan, Adams George Archibald, Joseph Octave Beaubien, Jean Baptiste Beaudry, Egerton Ryerson Burpee, Frederic William Cumberland, Sandford Fleming, Robert Newton Hall, John Sebastian Helmcken, Andrew McDermot, Donald McInnes, Walter Shanly, and John Walker, (a majority of whom shall constitute a quorum for the transaction of business), shall be Provisional Directors of the Company, and shall have power and authority to elect a President and Vice-President from among their number, to appoint a Secretary, Treasurer and other officers, to call a general meeting of shareholders for the election of Directors, as hereinafter provided, and generally to do such other acts as shall be necessary for the conduct and management of the said undertaking, and for finally procuring the election of a Board of Directors by the shareholders.

35. That the Provisional Directors shall hold office until the election of their successors; and shall call a meeting of the shareholders, to be held on such day as hereinbefore provided for, and at such place in the City of Ottawa as they shall decide, giving due notice thereof to each shareholder; at which general meeting the shareholders present, either in person or by proxy, shall elect thirteen Directors, who shall constitute the Board, and shall hold office until others are elected in their stead; and if any vacancy shall occur by the

death, resignation, mental incapacity, insolvency or disqualification from want of Stock of any Director, the vacancy shall be filled for the residue of the current year of office by the Board of Directors.

36. That the Directors be thirteen in number, seven of whom shall form a quorum, and provided such quorum be present any absent director may be represented and may vote by proxy, such proxy to be held by another director. But no director shall hold more than one proxy, and the directors shall retire in the following order: that is to say, four at the end of the first and second years respectively, and five at the end of the third year, and so on in similar proportions, during succeeding years. The Directors so to retire at the end of the first year shall be selected by ballot of the Board. Those to retire at the end of the second year shall be selected by ballot among the nine Directors remaining of the original Board. And at the third and succeeding elections they shall retire by seniority, but the retiring Directors shall be eligible for re-election, and any Director appointed by the Board to fill a vacancy, shall also retire at the end of the current year of office, and a Director shall then be elected by the shareholders in his stead—which Director shall occupy the same position with regard to retirement and seniority as the Director who first vacated the seat. And on the first Wednesday in February, in each year thereafter, or on such other day as may be appointed by a by-law of the Company, there shall be held at the principal office of the Company, a general meeting of the shareholders, at which meeting they shall elect such a number of Directors for the ensuing year as shall be required to supply the places of the Directors so retiring; and public notice of such annual meeting shall be given at least one month before the day of election. Each Director shall be a subject of Her

Majesty, and a holder of at least two hundred and fifty shares of the said stock. The election of Directors shall be by ballot, and the President of the Company, and a majority of the Directors shall reside in Canada.

37. That the chief place of business of the company shall be at the City of Ottawa, but other places at which the Directors or committees of the Directors may meet and transact business may be fixed by the by-laws of the company.

38. That whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened for any purpose, the Directors shall convene such meeting at the City of Ottawa, by advertisement in the manner hereinbefore mentioned, in which advertisement the business to be transacted at such meeting shall be expressly mentioned.

39. That any deed required and authorized to be executed on behalf of the Company, shall be held to be valid and binding on the Company, if it be signed by the President or Vice-President and by the Secretary, and the seal of the Company be affixed thereto; and no special authority shall be required for affixing the seal to any such deed.

40. That the Directors of the Company shall have power to administer, conduct and manage the affairs and business of the company; and shall have and exercise all the powers requisite to enable them to do and perform, make and execute, all such acts, matters and things, deeds and instruments as shall be necessary to carry out the provisions of this charter, according to the true intent and meaning thereof, including the power of selling, leasing or otherwise disposing of the lands granted or to be granted in aid of the railway, and of any other lands of the Company not required for the purposes of the railway; except in so far as their

powers are expressly limited by the provisions hereof. And they shall also have power, from time to time, to make by-laws for the conduct, management and administration of the affairs of the company generally; and for the remuneration of the President and Directors of the Company, if such remuneration be deemed advisable; and also such by-laws as are contemplated by the provisions of this charter for the regulation of divers matters herein required or authorized to be so regulated; and the same to amend or repeal; provided always, however, that such by-laws shall have no force or effect, in any respect in which they, or any of them, shall be contrary to or inconsistent with this charter, nor in any respect in which they shall require the approval of the Government, until they have received such approval. And such by-laws shall in no case have any force or effect after the next general meeting of Shareholders which shall be held after the passage of such by-laws by the Board of Directors, unless they are approved by such meeting; and any copy of the by-laws of this Company, or any of them, purporting to be under the hand of the clerk, secretary or other officer of the said Company, and having the seal of the said corporation affixed to it, shall be received as *prima facie* evidence of such by-law in all courts of the Dominion of Canada.

41. That the Directors of the Company are hereby authorized and empowered to issue bonds, which shall be a first charge on the railway and its appurtenances, and on the tolls and revenues thereof, and on all lands, whether the property of the Company at the time of the issue of such bonds, or thereafter acquired. And such bonds shall be in such form and for such amount, and with such coupons attached, and they, and the coupons attached thereto shall be payable, at such times and places as the Directors from time to time shall

provide. And the payment to the Treasurer of the Company, or to any other person appointed by by-law for the purpose, by any *bona fide* purchaser of any lands of the Company, of the purchase money thereof, and the acquittance by such Treasurer or other person so appointed, of such purchase money; shall operate as a release of the lands so paid for from the effect of such charge; and the Company shall keep all monies so received separate and apart from its ordinary funds, and shall pay over the nett proceeds thereof to the Board of Trustees as hereinbefore provided. The bonds shall be signed by the President, or Vice-President and the Secretary, but the signature of the President or Vice-President to the bonds, and the signature of the Secretary to the coupons, may be lithographed or engraved thereon; and such bonds shall be valid without having the seal of the Company affixed thereto.

Provided that the amount of such bonds shall not exceed forty thousand dollars per mile, to be issued in proportion to the length of railway to be constructed under and by virtue of this charter unless the issue of bonds to a larger amount be authorized by the Government. And all bonds issued under this charter shall have the same and equal rank and priority, as a first charge on the assets of the Company hereinbefore described.

42. That if, at any time, any agreement be made by the Company with any persons intending to become bondholders of the Company, restricting the issue of bonds by the Company, under the powers conferred by the preceding section, or defining or limiting the mode of exercising such powers; the Company thereafter shall not act upon such powers otherwise than as defined, restricted, and limited by such agreement. And no bond thereafter issued by the Company, and no order, resolution, or proceeding thereafter made, pas-

sed or had by the Company, or by the Board of Directors, contrary to the terms of such agreement, shall be valid or effectual.

43. That the Directors of the Company may, by by-law, appoint an agent or agents in the city of London, England, and may by such by-law make provision for the payment of dividends, and for the transfer of the stock and bonds of the Company at the said City of London, in such manner, and upon such terms and conditions as shall be provided by such by-law. Provided that all such by-laws for the transfer of stock passed within six years after the date of this Charter, shall be subject to the approval of the Government.

MISCELLANEOUS PROVISIONS.

44. That for the purpose of making an allotment of the land and money subsidies, the railway shall be divided into convenient sections; and so soon as sufficient information has been obtained respecting the difficulty and cost of construction of such sections, the proportion of land and money subsidies applicable to each of them shall be determined by agreement between the Government and the Company: and if the Government and the Company are unable to agree upon such proportion, the same shall be decided upon by three Engineers selected as hereinbefore provided.

45. That "The Railway Act of 1868," as modified by any Act of the Parliament of Canada, of the Session held in the year 1872, with reference to any railway to be constructed under any such Act or any of the lines, or between any of the points mentioned in the Act in this charter first recited, in so far as the provisions of the same are applicable to the undertaking authorized by this charter, and in so far as they are not inconsistent with or contrary to the provisions thereof, are hereby incorporated therewith.

46. And as respects the said railway, that the eighth section of "The Railway Act, 1868," relating to *Plans and Surveys*, shall be subject to the following provisions :—

It shall be sufficient that the map or plan and book of reference for any portion of the line of the railway, not being within any district or county for which there is a Clerk of the Peace, be deposited in the office of the Minister of Public Works of Canada, and any omission, mis-statement, or erroneous description of any lands therein may be corrected by the Company, with the consent of the Minister, and certified by him; and the Company may then make the railway in accordance with such certified correction.

The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan, approved by the Government and deposited by the Company, shall be allowed, on the approval of the Government Inspector, without any formal correction or certificate; and any further deviations that may be found expedient may be authorized by order of the Government, and the Company may then make their railway in accordance with such authorized deviation.

The map or plan and book of reference made and deposited in accordance with this section, after approval by the Government, shall avail as if made and deposited as required by the said "*Railway Act, 1868*," for all the purposes of the said Act, and of this charter; and any copy of, or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada.

It shall be sufficient that a map or profile of any part

of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the Minister of Public Works.

The Company shall not commence the construction of any bridge over any navigable water, until they shall have submitted to the Government plans of such bridge, and of all the intended works thereto appertaining, nor until such plans, and the site of such bridge shall have been approved by the Government; and such conditions as it shall think fit to impose touching said bridge shall be complied with; nor shall any plan of any such bridge be altered, or deviation therefrom allowed, except by permission of the Government.

47. That the provision made in sub-sections thirty, thirty-one and thirty-two, of section nine of "*The Railway Act, 1868*," as to incumbrances on lands acquired by the Company, shall apply to lands acquired by the Company, in the Provinces of Manitoba and British Columbia, and in the North-West Territory, and as respects lands in the North-West Territories the Court of Queen's Bench for the Province of Manitoba shall be held to be the Court intended by the said sub-sections.

48. That in the Provinces of British Columbia and Manitoba, any Judge of a Superior or County Court shall have all the powers given by the said Act to a county Judge, and in the North-West Territories such powers shall be exercised by a Judge of the Queen's Bench of the Province of Manitoba.

49. That it shall be lawful for the Company to take from any public lands adjacent to or near the line of the said Railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out, and appropriate to the use of the Company, a greater extent of lands, whether public or private, for stations,

depots, workshops, buildings, side-tracks, wharves, harbors and roadways and for establishing screens against snow, than the breadth and quantity mentioned in "The Railway Act, 1868," such greater extent taken, in any case, being allowed by the Government, and shown on the maps or plans deposited with the Minister of Public Works.

50. And, whereas, it may be necessary for the Company to possess gravel pits and quarries, and lands containing deposits of gravel, stone, brick-clay, iron or coal, as well as lands for stations and other purposes, at convenient places along the line of Railway, for constructing and keeping in repair, and for carrying on the business of the Railway, and as such gravel pits, quarries or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; therefore, that the said Company may purchase, have, hold, take, receive, use and enjoy, along the line of the said Railway, or separated therefrom, and if separated therefrom, then, with the necessary right of way thereto, any lands, tenements, and hereditaments which it shall please Her Majesty, or any person or persons or bodies politic, to give, grant, sell or convey unto and to the use of, or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deeds of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands, not necessary to be retained for gravel pits, quarries, sidings, branches, fuel-yards, station grounds or workshops, or for effectually repairing, maintaining and using, to the greatest advantage, the said Railway and other works connected therewith.

51. That as respects places not within any Province, any notice required by the Railway Act, 1868, to be

given the " Official Gazette " of a Province, may be given in the *Canada Gazette*.

52. That deeds and conveyances of lands to the Company for the purposes of this Charter (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form following, that is to say :—

" Know all men, by these presents, that I, A. B., in consideration of . . . paid to me by the Canadian Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said The Canadian Pacific Railway Company, their successors and assigns, all that tract or parcel of land [describe the land] to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

" Witness my hand and seal, this . . . day of . . .
one thousand eight hundred . . .
and . . .

" Signed, Sealed and Delivered } A. B.
in presence of }
[L.S.]

" C D. "

" E F. "

or in any other form to the like effect.

53. That Her Majesty's Naval and Military forces, whether Imperial or Canadian, Regular or Militia, and all artillery, ammunition, baggage, provisions, or other stores for their use, and all Officers and others travelling on Her Majesty's Naval or Military or other service, and their baggage and stores, shall at all times, when the Company shall be thereunto required by one of Her Majesty's Principal Secretaries of State, or by the Commander of Her Majesty's Forces in Canada, or by the Minister of Militia and Defence of Canada, or by the Chief Naval Officer on the North American Station on the Atlantic, or on the Pacific Ocean, be

carried on the said railway on such terms and conditions, and under such regulations as the Government shall from time to time make.

54. That the Justices of the Peace for any county or district in British Columbia and Manitoba, assembled in general or quarter sessions shall have the power vested by section forty-nine of "The Railway Act, 1868," in the Justices so assembled in the Province of Ontario as to the appointment of Railway Constables, and in places where there are no such sessions, any two Justices of the peace in any Province, or in any place not within a Province, shall have the powers given by the said section to any two Justices of the Peace in Ontario for the appointment and dismissal of any such constables; and where there is no Clerk of the Peace the record of the appointment of a constable shall be dispensed with.

55. That it shall be lawful for the Government, by order to be published in the *Canada Gazette*, on or before the first day of May, 1874, to declare this charter, and the several provisions thereof, and all contracts and agreements made thereunder between the Government and the Company to be null and void, if the Company have not by the first day of January last, preceding that date, made arrangements to the satisfaction of the Government for raising the money required for the construction and working of the said railway.

56. That the expression "the Government" and "the Governor in Council" in this charter, mean the Governor-General in Council; and the expression "railway" includes as well the branches as the main line of the Pacific Railway, except when the contrary appears from the context.

AND WE do, for ourselves, our heirs and successors, grant and declare that these Our Letters Patent, or the enrolment thereof, shall be in and by all things

valid and effectual in the law, according to the true intent and meaning of the same, and shall be recognized as valid and effectual by all our Courts and Judges, and all officers, persons, and bodies politic or corporate, whom it doth or shall or may concern.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada, to be hereunto affixed. Witness, Our Right Trusty and Well Beloved Cousin and Councillor the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clandeboye of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh in the County Down, in the Peerage of Ireland and a Baronet, Knight of Our Most Illustrious Order of Saint Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Governor and Commander-in-Chief in and over the Island of Prince Edward, and Vice-Admiral of Canada and Prince Edward, at Our Government House, in Our CITY OF OTTAWA, in Our Dominion, this fifth day of February, in the year of Our Lord, one thousand eight hundred and seventy-three, and in the thirty sixth year of Our Reign.

By Command,

J. C. AIKINS,

Secretary of State.

APPENDIX A.

31 VICTORIA, CAP. LXVIII.

AN ACT RESPECTING RAILWAYS.

[Assented to 22nd May, 1868.]

HER Majesty, by and with the advice and consent Preamble.
of the Senate and House of Commons of
Canada, enacts as follows:

1. In citing this Act, it shall be sufficient to use Short title.
the expression "*The Railway Act, 1868.*"

1. APPLICATION OF ACT.

2. The provisions of this Act from section five to Application of the several parts of this Act.
section twenty-two, both inclusive, being Part First
of this Act, shall apply to The Intercolonial Railway
to be constructed under the authority of the Act of
the Parliament of Canada, passed during the present
Session, and intituled: *An Act respecting the construction of the Intercolonial Railway*, so far as they are
applicable to the undertaking and in so far as they
are not inconsistent with or contrary to the provisions
of the said Act respecting it:

2. The said sections shall also apply to every The same.
Railway hereafter to be constructed under the
authority of any Act passed by the Parliament of
Canada, and shall, so far as they are applicable to
the undertaking, and unless they are expressly
varied or excepted by the Special Act, be incor-
porated with the Special Act, form part thereof,
and be construed therewith as forming one Act.

How any section may be excepted from incorporation with any Special Acts.

3. For the purpose of excepting from incorporation with the Special Act any of the sections forming Part First of this Act, it shall be sufficient in the Special Act to enact that the sections of this Act proposed to be excepted referring to them by the words forming the headings of such sections respectively shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly.

To what Railways the other provisions of this Act shall apply.

4. The remaining provisions of this Act, being Part Second, shall apply to the Intercolonial Railway, in so far as they are not varied by, or inconsistent with the Special Act respecting it, to all Railways now in course of construction by the Government of Canada, and the property of the Dominion of Canada, in so far as they are not inconsistent with any Special Act respecting them; and to all Railways which may be hereafter constructed under the authority of any Special Act passed by the Parliament of Canada, and to all Companies hereafter incorporated for their construction and working.

PART FIRST.

INTERPRETATION.

Interpretation of words "The Special Act."

5. 1. The expression "The Special Act," used in this Act, shall be construed to mean any Act authorizing the construction of a Railway, with which this Act is incorporated:

"Prescribed."

2. The word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter, as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used:

"The Lands."

3. The expression "the lands" shall mean the lands which by the Special Act are authorized to be taken or used for the purpose thereof:

4. The expression "the undertaking" shall mean ^{"The undertaking."} the Railway and works, of whatever description, by the Special Act authorized to be executed ;

5. The following words and expressions, both in ^{In this and the Special Act.} this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :

6. The word "Lands" shall include all real estate, ^{"Lands."} messuages, lands, tenements and hereditaments of any tenure ;

7. The word "Lease" shall include any agreement ^{"Lease."} for a lease ;

8. The word "Toll" shall include any rate or ^{"Toll."} charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the Railway ;

9. The word "Goods" shall include things of every ^{"Goods."} kind that may be conveyed, upon the Railway, or upon Steam or other vessels connected therewith ;

10. The word "County" shall include any union ^{"County."} of Counties, County, Riding, or like division of a County in any Province, or any division thereof into separate Municipalities in the Province of Quebec ;

11. The word "Highways" shall mean all public ^{"Highways."} roads, streets, lanes, and other public ways and communications ;

12. The word "Sheriff" shall include Under- ^{"Sheriff."} Sheriff, or other legal competent Deputy ; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk, of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean ^{"Clerk of the Peace."} the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands are situate ; and if the lands in question, being the property of one and the same party, be situate not wholly in one District, County, Riding, Division, or

place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate;

"Justice."

13. The word "Justice" shall mean a Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City or place, the word "Justice" shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands are situate, and who is not interested in such matter; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together;

"Two Justices."

"Owner."

14. The word "Owner" where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of the owner, shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company;

"The Company."

15. The expression "the Company" shall mean the Company or party authorized by the Special Act to construct the railway;

"The Railway."

16. The expression "the Railway" shall mean the Railway and works by the Special Act authorized to be constructed.

INCORPORATION.

Companies established under Special Acts, declared to be bodies corporate, &c.

6. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be vested with all the powers, privileges and immunities necessary

to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such Corporation, or are expressed or included in "the Interpretation Act."

POWERS.

7. The Company shall have power and authority: Powers.

1. To receive, hold, and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the Railway, but the same shall be held and used for the purpose of such grants or donations only; To receive grants of land, &c;

2. To purchase, hold and take of any Corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the Railway, and also to alienate, sell or dispose of the same; Purchase of land.

3. No Railway Company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the Railway, as have not been granted or sold, and as may be necessary for such Railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and Works, subject, however, to the exceptions contained in the next following subsection; Occupy public lands, beaches, &c., with consent of the Crown.

The Canadian Pacific Railway Company has, by its charter, received more extensive powers:

49. That it shall be lawful for the Company to take from any public lands adjacent to or near the line of said railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out, and appropriate to the use of the Company, a greater extent of lands, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharves, harbors and roadway, and for establishing screens against snow, than the breadth and quantity mentioned in "The Railway Act, 1868," such

greater extent taken, in any case, being allowed by the Government, and shown on the maps or plans deposited with the Minister of Public Works.

As to lands
belonging to
Her Ma-
jesty, &c.

4. Whenever it is necessary for the Company to occupy any part of the lands belonging to the Queen, reserved for Naval or Military purposes, they shall first apply for and obtain the license and consent of Her Majesty, under the Hand and Seal of the Governor, and having obtained such license and consent, they may at any time or times enter into and enjoy any of the said lands for the purposes of the Railway; but in the case of any such Naval or Military Reserves, no such license or consent shall be given except upon a Report first made thereupon by the Naval or Military authorities in which such lands are for the time being vested, approving of such license and consent being so given;

Power to carry
Railway
across lands
of Corpora-
tions,
and
others;

5. The Company shall have power and authority to make, carry or place the Railway across or upon the lands of any Corporation or person on the line of the Railway, or within the distance from such line stated in the Special Act, although, through error or other cause, the name of such party has not been entered in the Book of Reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands;

And across or
along streams,
&c.

6. To construct, maintain and work the Railway across, along, or upon any stream of water, water-course, canal, highway or railway which it intersects or touches; but the stream, water course, highway, canal, or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness;

To complete
Railway with
one or more
tracks, &c.;

7. To make, complete, alter and keep in repair the Railway with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them:

Erect neces-
sary build-
ings, wharves,
&c.;

8. To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or

enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the Railway;

9. To make branch Railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the Railway;

Branch Railways;

10. To construct, and make all other matters and things necessary and convenient for the making, extending and using of the Railway, in pursuance of this Act;

All other matters and things necessary for Railway;

11. To take, transport, carry and convey persons and goods on the Railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation;

To convey persons and goods on Railway;

12. To borrow from time to time, either in Canada or elsewhere, such sums of money as may be expedient for completing, maintaining or working the Railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the Bonds, Debentures, or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within Canada or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues, and other properties of the Company for the due payment of the said sums and the interest thereon; but no such debenture shall be for a less sum than one hundred dollars;

Borrow money, &c.

To issue bonds, debentures, &c.

The Canadian Pacific Railway Company is moreover authorized by its Charter to become parties to promissory notes and bills of exchange, in the following manner:

30. That the Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and all such promissory notes made and endorsed, and such bills of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, under the authority of the Board, shall be binding on the Company; and may also issue scrip

with the like signatures, redeemable in the stock of the Company, or in lands, or in both; and in no case shall it be necessary to have the seal of the Company affixed to any promissory note, bill of exchange, or scrip: Provided, however, that nothing in this section shall be construed to authorize the Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

By clause 41 of its charter, the power of the Canadian Pacific Railway Company of issuing bonds is restricted to forty thousand dollars per mile, the bonds to be issued in proportion to the length of railway to be constructed under and by virtue of the charter, unless the issue of bonds to a larger amount be authorized by the Government. And all bonds issued under the charter are to have the same and equal rank and priority, as a first charge on the assets of the Company hereinbefore described.

The bonds are to be signed by the President, or Vice-President and the Secretary, but the signature of the President or Vice-President to the bonds, and the signature of the Secretary to the coupons, may be lithographed or engraved thereon; and such bonds shall be valid without having the seal of the Company affixed thereto.

To enter upon
lands, &c.

To make sur-
veys of lands;

To remove
trees;

To cross or
unite with
other Rail-
ways;

But not with-
out applica-

13. To enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any Corporation or person whatsoever lying in the intended route or line of the Railway; and to make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the Railway, and to set out and ascertain such parts of the lands as are necessary and proper for the Railway;

14. To fell or remove any trees standing in any woods, lands or forests, where the Railway passes, to the distance of six rods from either sides thereof;

15. To cross, intersect, join and unite the Railway with any other Railway at any point on its route, and upon the lands of such other Railway, with the necessary conveniences for the purposes of such connection; and the owners of both Railways may unite in forming such intersection; and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators to be appointed by a Judge of one of the Superior Courts in the Province in which the point of junction or intersection is situated;

16. But no Railway Company shall avail itself of

any of the powers contained in the next preceding sub-section without application to the Railway Committee, constituted by the twenty-third section of this Act, for approval, of the mode of crossing, union or intersection proposed; of which application, notice in writing shall be given to any other Railway affected, by sending the same by mail or otherwise, to the address of the President, Superintendent, Managing Director or Secretary of any such Railway Company, and when such approval has been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section.

tion to the
Railway Com-
mittee under
sect. 23.

Clause 31 of the Charter of the Canadian Pacific Railway Company modifies in the following way these sub-sections, so far as this Railway is concerned :

31. The Company may, with the approval of the Government enter into and conclude any arrangements with any other incorporated railway company in Canada or the United States, for the purpose of making any branch or branches to facilitate a connection between the railways of the Company and of such other incorporated company, and they may, with like approval, enter into arrangements for the mutual interchange of traffic with all railway companies completing their lines to the lines of the Company; and they may, with like approval, lease or acquire such last mentioned railway or railways, or make running arrangements therewith, and generally may, with like approval, enter into such arrangements as will secure uniform and complete railway connection with the system of railways now or hereafter existing in Canada or the United States.

17. Any Railway Company may construct a branch or branches not exceeding six miles in length from any terminus or station of their Railway, whenever a By-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act or in this Act, nor shall any thing in either of the said Acts authorized the Company to take for such branch any lands belonging to any party without the consent of such party first obtained;

Any Railway
Company may
construct
branch Rail-
ways on cer-
tain condi-
tions.

18. Any Railway Company desiring at any time to change the location of its line of Railway in any

Changes may
be made in the
line of a Rail-

way at any time for certain purposes.

particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of such line of Railway so at any time changed or proposed to be changed as to the original line; but no railway Company shall have any right to extend its line of Railway beyond the termini mentioned in the Special Act;

Stock may be increased: how and on what conditions

19. The original Capital Stock of any Railway Company may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the Shareholders, at a meeting expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, served on him personally, or properly directed to him, and deposited in the Post Office, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the Capital Stock may be increased to the amount sanctioned by such a vote.

PLANS AND SURVEYS.

Provision respecting surveys and levels.

8. Plans and Surveys shall be made and corrected as follows:

Map and Book of Reference; contents.

1. Surveys and levels shall be taken and made of the lands through which the Railway is to pass, together with a map or Plan thereof, and of its course and directions, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the Railway, in which shall be set forth—

- a. A general description of the said lands;
- b. The names of the owners and occupiers thereof, so far as they can be ascertained; and,
- c. Every thing necessary for the right understanding of such Map or Plan;

2. The Map or Plan and Book of Reference shall be examined and certified by the Minister of Public Works or his deputy, and a duplicate thereof, so examined and certified, shall be deposited in the office of the Department of Public Works, and the Company shall be bound to furnish copies of such Map or Plan and Book of Reference or of such parts thereof as relate to each District or County through which the railway is to pass, to be deposited in the offices of the Clerks of the Peace for such Districts or Counties respectively;

To be examined, certified and copies deposited.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Clerks of the Peace, at the rate of ten cents for every hundred words;

Access to Copies.

4. Such Map or Plan and Book of Reference so certified, or a true copy thereof, certified by the Minister of Public Works, or by the Clerks of the Peace, shall be good evidence in any Court of Law and elsewhere;

Certified copies to be evidence.

5. Any omission, mis-statement or erroneous description of such lands, or of the owners or occupiers thereof, in any Map or Plan or Book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two Justices on application made to them for that purpose, and if it appears to them that such omission, mis-statement or erroneous description arose from mistake, the Justices shall certify the same accordingly;

Omissions or errors how remedied.

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the Districts or Counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon such Map or Plan or Book of Reference shall be deemed to be corrected according to such certificate; and the Company may make the Railway in accordance with the certificate;

Certificate relating thereto.

7. If any alterations from the original Plan or Survey are intended to be made in the line or course

Alterations from original survey.

of the Railway, a Plan and Section of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original Plan and Survey, shall be deposited in the same manner as the original Plan, and copies or extracts of such Plan and Section so far as they relate to the several Districts or Counties, in or through which such alterations have been authorized to be made, shall be deposited with the Clerks of the Peace of such Districts and Counties;

Railway not to be proceeded with until map, &c. deposited.

8. Until such original Map or Plan or Book of Reference, or the plans and sections of the alterations, have been so deposited, the execution of the Railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with;

Clerks of the Peace to retain copies of original plan, &c.

9. The Clerks of the Peace shall receive and retain the copies of the original Plans and Surveys, and copies of the Plans and Sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for each default of four dollars;

Copies or extracts;

Copies certified by Clerk to be good evidence in Courts.

10. The copies of the Maps, Plans and Books of Reference, or of any alteration or correction thereof or extracts therefrom, certified by the Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required;

Line not to deviate more than a mile from Plan.

11. No deviation of more than one mile from the line of the Railway or from the places assigned thereto in the said Map or Plan and Book of Reference or Plans or Sections, shall be made into, through, across, under or over any part of the lands not shewn in such Map or Plan and Book of Reference, or Plans or Sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act;

As to errors in the name of a person en-

12. The Railway may be carried across or upon the lands of any person on the line, or within the

distance from such line as aforesaid, although the name of such person has not been entered in the Book of Reference through error or any other cause, or though some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands;

tered in a
Book of Re-
ference.

13. A Map and Profile of the completed Railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed in the office of the Minister of Public Works, and like maps of the parts thereof, located in different Districts and Counties, shall be filed in the Registry Offices for the Districts and Counties in which such parts are respectively situate; and any Company failing or neglecting to furnish such map within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month such failure or neglect shall continue, recoverable in Her Majesty's name in any Court of competent jurisdiction;

Map, &c., of
Railway to be
filed in the
Board of
Works Office.

14. Every such Map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that purpose by the Minister of Public Works, and shall be certified and signed by the President or Engineer of the Corporation.

On what scale
and paper to
be drawn.

As regards the Canadian Pacific Railway this Section is amended by the Charter of the Company as follows:

46. And as respects the said railway, that the eighth section of "The Railway Act, 1868," relating to Plans and Surveys, shall be subject to the following provisions:—

It shall be sufficient that the map or plan or book of reference for any portion of the line of the railway, not being within any district or county for which there is a Clerk of the Peace, be deposited in the office of the Minister of Public Works of Canada, and any omission, misstatement or erroneous description of any lands therein may be corrected by the Company, with the consent of the Minister, and certified by him; and the Company may then make the railway in accordance with such certified correction.

The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan, approved by the Government and deposited by the Company, shall be allowed, on the approval of the Government Inspector, without any formal correction or certificate; and any further deviation that may be found expedient may be authorized

by order of the Government, and the Company may then make their railway in accordance with such authorised deviation.

The map or plan and book of reference made and deposited in accordance with this section, after approval by the Government, shall avail as if made and deposited as required by the said "Railway Act, 1868," for all the purposes of the said Act, and of this charter; and any copy of, or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada.

It shall be sufficient that a map or profile of any part of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the Minister of Public Works.

LANDS AND THEIR VALUATION.

Extent of
lands to be
taken with-
out consent of
proprietor.

Extra breadth
for depots.

Extent of
public beach
to be taken.

Corporations,
&c., may con-
vey lands to
Company.

1. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty-three yards in breadth, except in places where the Railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred and fifty yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the Map or Plan, or Plans or Sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line:

2. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the Railway, shall not exceed the quantity limited in the next preceding sub-section;

3. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell or convey unto the Company all or any part thereof;

4. But the powers by the next preceding subsection conferred upon Rectors in possession of Glebe lands in the Province of Ontario, Ecclesiastical and other Corporations, Trustees of Land for Church and School purposes, or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator, Administrators of persons dying intestate, but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any Railway Company:

Limitation of powers in certain cases.

5. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding subsections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Railway Company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the Corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act.

Effect of sale under preceding subsection.

6. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into Court for his benefit, as hereinafter provided;

Disposition of purchase money.

7. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as

Effect of contracts made before deposit of map.

hereinafter provided, and the agreement shall be in the place of an award;

Corporations
who cannot
sell, may agree
upon a fixed
rent.

8. All Corporations or persons who cannot in common course of law sell or alienate any lands so set and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper District, County, or Registration Division;

As to pro-
prietors *par*
indivis.

9. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties proprietor, or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common and *par indivis*; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be;

After one
month's no-
tice of deposit
of map, &c.,
application to
the owner of
lands.

10. After one month from the deposit of the Map or Plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any, published in each of the Districts and Counties through which the Railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or

interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Railway, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows: that is to say;

11. The deposit of a Map or Plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the Railway and works;

Deposit of plan, &c., to be general notice.

12. The notice served upon the party shall contain:

Notice to opposite party: and what it must contain.

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent as the case may be, as compensation for such lands or for such damages; and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn Surveyor for the Province in which the lands are situated disinterested in the matter, and not being the Arbitrator named in the notice:

a. That the land, if the notice relate to the taking of land, shewn on the said Map or Plan, is required for the Railway, or is within the limits of deviation hereby allowed;

b. That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

c. That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid;

If the opposite party be absent or unknown; application to a Judge.

13. If the opposite party is absent from the District in which the lands lie, or is unknown, then, upon application to the Judge of the Superior Court for the District accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a Certificate, to be inserted three times in the course of one month in some newspaper published in the District, or if there be no newspaper published therein, then in a newspaper published in some adjacent District or County;

As regards the Canadian Pacific Railway, the clauses of the *Railway Act*, 1868, relative to the powers of judges, are amended as follows:

48. That in the Province of British Columbia and Manitoba, any Judge of a Superior or County Court shall have all the powers given by the said Act to a County Judge, and in the North-West Territories such powers shall be exercised by a Judge of the Queen's Bench of the Province of Manitoba.

If County Judge be interested.

14. Whenever any County Judge is interested in any lands taken or required by the Company within the County in which he is such judge, any judge of any of the Superior Courts in the Province in which the lands are, shall, on the application of the Company, exercise in such case all the powers given by this section to the County Judge in cases in which he is not interested;

Party not accepting the Company's offer, and not appointing an Arbitrator.

15. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a sworn Surveyor, for the Province, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid;

Appointment of Arbitrators by opposite party: third Arbitrator.

16. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Minister

of Public Works, shall, on the application of the party or of the Company (previous notice of, at least, two clear days having been given to the other party,) appoint one of the Official Arbitrators to be a third Arbitrator;

17. The Arbitrators or two of them, or the sole Arbitrator, being sworn before some justice of the Peace for the District in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or any two of them, or of the sole arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days notice, or to which some meeting at which the third Arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified, through the Arbitrator appointed by him, or whose appointment he required;

Duties of Arbitrators.

Award of two to be sufficient.

18. The Arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid;

Arbitrators to consider increased value of remaining lands.

19. If in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge;

Costs, how paid.

Arbitrators
may examine
on oath.

20. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly;

Time within
which award
may be made.

21. A majority of the Arbitrators at the first meeting after their appointment, or the sole Arbitrator shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the Arbitrators, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them;

Arbitrator
dying, &c.

22. If the sole Arbitrator appointed by the judge or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator, the Judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties the company and party respectively may each appoint an Arbitrator in the place of his Arbitrator so deceased or not acting, but no recommencement or repetition of prior proceedings shall be required in any case;

Company may
desist paying
costs.

23. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist;

24. The surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge;

Surveyor or Arbitrator not disqualified unless personally interested.

When disqualification must be urged.

* 25. No cause of disqualification shall be urged against any Arbitrator appointed by the company or by the opposite party after the appointment of a third Arbitrator; and the validity or invalidity of any cause or disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator;

No objection admissible after a third Arbitrator has been appointed.

26. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award;

Awards not avoided for want of form.

27. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such

Possession may be taken on payment of tender, &c., of sum awarded.

Warrant of possession.

compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district or county, or to a Bailiff, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do;

When warrant of possession may issue before award.

Security being first given to deposit compensation.

28. Such Warrant may also be granted by any such Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the Railway with which the Company are ready forthwith to proceed; and upon the Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company;

When compensation to stand in the place of the land.

29. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands, and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;

As to incumbrances, &c., upon lands, &c., purchased or taken in Ontario, Nova Scotia or New Brunswick.

30. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found or is unknown to the Company, or if for any other reason the Company deems it

advisable, the Company may, if the lands are situated in either of the Provinces of Ontario, Nova Scotia or New Brunswick, pay such compensation into the office of one of the Superior-Courts for the Province in which the lands are situated, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned;

As regards the Canadian Pacific Railway, this sub-section 30 and also sub-sections 31 and 32 are amended in the following manner:

47. That the provision made in sub-sections thirty, thirty-one and thirty-two, of section nine of "*The Railway Act, 1868*," as to incumbrances on lands acquired by the Company, shall apply to lands acquired by the Company in the Provinces of Manitoba and British Columbia, and in the North-West Territories; and as respects lands in the North-West Territories, the Court of Queen's Bench for the Province of Manitoba shall be held to be the Court intended by the said sub-sections.

31. A notice, in such form and for such time as the Court appoints, shall be inserted in some newspaper, if there be any published in the District or County in which the lands are situate, and at the Seat of Government of the Province, which shall state that the title of the Company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and the Special Act, and to law, appertain;

What notice
to be pub-
lished.

32. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order;

By whom
costs be paid.

When interest to be returned to, or paid by the Company.

33. If such order of distribution be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right;

Case in which lands are situate in P. Q. and Company have reason to fear incumbrances provided for.

34. If the Company have reason to fear any claim, mortgage, hypothec, or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the Company, or if for other reason the Company deems it advisable, the Company may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may deliver to the said Prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award,) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court;

Effect of a judgment of confirmation.

35. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same; and the Court shall make such order for the distribution,

payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the Special Act, and the provisions of this Act and to law, shall appertain;

36. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect, of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right;

By whom costs to be paid.

Interest.

37. If the railway passes through any land belonging to or in possession of any Tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act, or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that Arbitrators should be chosen by the parties, the Secretary of State is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Secretary of State, for the use of such Tribe or Body.

The case of Railway passing through Indian lands provided for.

HIGHWAYS AND BRIDGES.

10. The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any

Railway not to be carried along any highway without leave from municipal authorities.

contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the surface of the road more than one inch, shall not be deemed an obstruction:

Railway not to rise more than one inch above level of any highway when crossing the same.

2. No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the Railway may be carried across or above any highway within the limits aforesaid;

Height and span of bridge over highways.

3. The span of the arch of any bridge erected for carrying the Railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet;

Ascent of bridges.

4. The ascent of all bridges erected to carry any highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge;

Precautions when Railway crosses a highway.

5. Signboards stretching across or projecting over the highway crossed at a level by any Railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length; and for any neglect to comply with the requirements of this sub-section, a penalty not exceeding forty dollars shall be incurred.

FENCES.

Fences to be erected on each side of Railway, with gates and crossings.

11. Within six months after any lands have been taken for the use of the Railway, the Company shall, if thereunto required by the proprietors of the adjoining lands, at their own cost and charges, erect

and maintain on each side of the Railway, fences of the height and strength of an ordinary division fence, with sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the road, for the use of the proprietors of the lands adjoining the Railway; and also cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway :

2. Until such fences and cattle guards are duly made, the Company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway ;

Liability of Company until cattle-guards erected.

3. After the fences or guards have been duly made and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done ;

When to be exempted.

4. If any person rides, leads or drives any horse or any other animal, or suffers any such horse or other animal to enter upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby ;

Persons prohibited from going on the track, &c., with cattle, &c.

5. No person other than those connected with, or employed by the Railway, shall walk along the track thereof, except where the same is laid across or along a highway.

Or walking thereon.

TOLLS.

12. Tolls shall be from time to time fixed and regulated by the By-laws of the Company, or by the Directors, if thereunto authorized by the By-laws, or by the Shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the Railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the By-laws direct ;

Tolls to be fixed by By-laws or otherwise.

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such

How payment of Tolls enforced.

persons, the same may be sued for and recovered in any competent Court, or the agents or servants of the Company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof;

When, if Tolls not paid, goods distrained may be sold.

3. If the tolls are not paid within six weeks, the Company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale, rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto;

When goods distrained or detained, may be sold.

4. If any goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the Province in which such goods are, and in such other papers as they deem necessary, sell such goods by public auction, at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto;

Proceeds, how dealt with.

By Clause 51 of the Charter, it is provided that as respects places that are not within any Province, any notice required by the "Railway Act, 1868," to be given in the *Official Gazette* of a Province, can be given in the *Canada Gazette*.

How balance to be disposed of.

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver-General, to be applied to the general purposes of Canada, until claimed by the party entitled thereto;

Toll—how raised or reduced.

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by

all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls;

7. In all cases, a fraction in the distance over which goods or passengers are transported on the Railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton:

A fraction of a mile or ton how estimated in charging tolls.

8. The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing;

Table of Tolls to be stuck up in offices and cars.

9. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof;

Tolls to be approved of by the Governor in Council.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof; and after an Order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked;

The Governor may revise By-laws fixing tolls.

11. The Parliament of Canada may from time to time reduce the tolls upon the railway, but not without the consent of the Company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Minister of Public Works of the amount received and expended

When Parliament may reduce tolls on Railways.

by the Company, the net income from all sources, for the year then last past, is found to have exceeded fifteen per cent. upon the capital so actually expended;

By-laws imposing tolls, &c., to be approved by the Governor in Council.

12. No by-law of any Railway Company by which any tolls are to be imposed or altered, or by which any party other than the Members, Officers and Servants of the Company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council.

GENERAL MEETINGS.

Shareholders may hold general meetings.

13. The Shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking and, at any annual general meeting, may elect Directors in the manner provided by the next succeeding section.

PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

Board of Directors to be elected.

14. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the Special Act, shall be chosen annually by a majority of the Shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election is not held on the day appointed, the Directors shall cause such election to be held within as short a delay as possible after the day appointed:

Who entitled to vote.

2. No person shall be admitted to vote on such subsequent day except those who would have been entitled to vote had the election been held on the day when it ought to have been held;

Vacancies, how to be filled up.

3. Vacancies in the Board of Directors shall be filled in the manner prescribed by the by-laws;

Who qualified to be a Director.

4. No person shall be a Director unless he is a Stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he is chosen;

5. The method of calling general meetings, and the time and place of the first meeting of Stockholders, for the appointment of Directors, shall be determined and settled in the Special Act; Calling of special meetings, &c.

6. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion to the number of shares held by him, unless otherwise provided by the Special Act; Votes to be in proportion to shares.

7. All Shareholders, whether resident in Canada or elsewhere, may vote by proxy if they see fit; Provided that such proxy produce, from his constituent an appointment in writing, in the words or to the effect following, that is to say: Shareholders may vote by proxy.

I, _____, of _____ one of the Form.
Shareholders of the _____, do hereby appoint
_____, of _____, to be my proxy, and
in my absence to vote or give my assent to any
business, matter, or thing relating to the said, under-
taking, that may be mentioned or proposed at any
meeting of the Shareholders of the said Company, or
any of them, in such manner as he, the said
_____, thinks proper. In witness whereof, I have
hereunto set my hand and seal, the _____ day
of _____, in the year _____

8. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the Shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company; Votes by proxy to be valid.

9. The Directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors; Term of office of Directors.

10. In case of the death, absence, or resignation of any of the Directors, others may be appointed in their stead by the surviving directors; but if such Vacancies how supplied.

appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining directors;

President.

11. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall

Term of office.

hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president,

Vice-President.

who shall act as chairman in absence of the president;

Quorum.

12. The directors at any meeting at which not less than a quorum, to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in them;

Acts of majority to bind the whole.

13. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors;

Casting vote.

14. No director shall have more than one vote except the Chairman, who shall, in case of a division of equal numbers, have the casting vote;

Directors to be subject to Shareholders and By-laws.

15. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act;

Officers of Company cannot be Directors or contractors.

16. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person being a director of the company, enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway or be or become a partner of any contractor with the company;

17. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective duties;

By-laws for management of stock, &c.

18. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or by the guarantee of the European Assurance Society, or of any society incorporated for like purposes, as they may deem expedient or otherwise, from the manager and officers for the time being, for the safe keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the directors think proper;

May appoint officers.

19. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which by the regulations and by-laws of the company, or by the Acts incorporating the company, are required to be signed, performed and done by the president;

Vice-President to act in the absence of the President.

20. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise;

Absence of President may be entered in the minutes, and certified, &c.

21. The directors shall cause to be kept, and annually on the thirty-first day of December to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company or by the directors or managers thereof, or otherwise, for the use of the company, and of the

Directors to cause annual accounts to be rendered.

charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors.

CALLS.

Calls, how made and after what notice.

15. The directors may, from time to time, make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act :

Notice of meetings, how published.

2. All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Canada Gazette*, which shall be conclusive evidence of the sufficiency of such notice ;

Payment of calls how to be made.

3. Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors ;

Interest to be chargeable on overdue calls.

4. If before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment ;

Amount of call may be recovered by suit.

5. If at the time appointed for the payment of any call, any Shareholder fails to pay the amount of the call, he may be sued for the same, in any court of competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable ;

What allegations and formalities necessary.

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth

the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the Company by virtue of the Special Act;

any in
actions for
calls.

7. The Certificate of Proprietorship of any share shall be admitted in all Courts, as *prima facie* evidence of the title of any Shareholder, his executors, administrators, successors or assigns, to the share therein specified;

Certificate of
proprietor-
ship *prima*
facie evidence.

8. But the want of such Certificate shall not prevent the holder of any share from disposing thereof;

Proviso.

9. Any person neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof; which forfeitures shall go to the Company for the benefit thereof;

Penalty for
refusal to pay
calls.

10. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture has been incurred;

Forfeiture of
share to be
taken advantage of only
at a general
meeting.

11. Every such forfeiture shall be an indemnification to and for every Shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on the undertaking;

Effect of forfei-
tures to be
liabilities.

12. The Directors may sell, either by public auction or private sale, and in such manner and on such terms as to them may seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company;

Directors may
sell forfeited
shares.

Certificate of
Treasurer to
be evidence
of forfeiture
and of title
of purchaser.

13. A Certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser, and such Certificate with the receipt of the Treasurer for the price of such shares, shall constitute a good title to the shares, and the Certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the Books required to be kept by the by-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any Shareholder may purchase any shares so sold;

Interest may
be allowed to
Shareholders
paying money
in advance on
their shares.

14. Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the Company may pay such interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the Company agree upon; but such interest shall not be paid out of the capital subscribed.

DIVIDENDS.

Declaration of
dividend.

16. At the general meetings of the Shareholders of the undertaking from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise;

At so much
per share.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the Shareholders in the stock of the Company, as such meeting may think fit to appoint or determine;

Dividends not
to impair the
Capital.

3. No dividend shall be made whereby the Capital of the Company is in any degree reduced or im-

pared, or be paid out of such capital, or shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid ;

4. The Directors may, in their discretion, until the Railroad is completed and open to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the Directors appoint for that purpose ;

Directors may pay interest on sums called up in respect of shares.

5. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such shares or upon any other share held by the same Shareholder while such call remains unpaid.

No interest on shares in arrear.

SHARES AND THEIR TRANSFER.

17. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the Company, and an entry thereof shall be made in a Book to be kept for that purpose ; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered :

Shareholders may dispose of shares.

2. Sales shall be in the form following, varying the names and descriptions of the contracting parties as the case may require :

Form of sale.

I, A. B., in consideration of the sum of _____, paid to me by C. D., hereby do sell and transfer to him _____ share (or shares) of the stock of the _____ to hold to him the said C. D., his heirs, executors, administrators and assigns, subject to the same rules and orders; and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said _____ share (or shares) subject to the same rules, orders and conditions. Witness our hands this _____ day of _____ in the year 18 _____

Stock to be personal estate—No transfer of part of a share.

3. The Stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid;

Transmissions of shares other than by transfer, provided for.

4. If any share in the Company be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any Shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is transmitted, shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without such proof the party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as the holder thereof;

Company not bound to see to the execution of trusts.

5. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject and the receipt of the party in whose name any share stands in the Books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trusts, and the Company shall not be bound to see to the application of the money paid upon such receipts;

Company not to take stock in their own or any other companies.

6. The funds of the Company shall not be employed in the purchase of any Stock in their own or in any other Company.

SHAREHOLDERS.

Shareholders individually

18. Each Shareholder shall be individually liable

to the creditors of the Company to an amount equal to the amount unpaid on the Stock held by him, for the debts and liabilities thereof, and until the whole amount of his Stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part:

liable, and to what extent.

2. Municipal Corporations in any Province in Canada being duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions by such laws prescribed, may subscribe for any number of shares in the Capital Stock of the Company, and the Mayor, Warden or Reeve, or other head of any such Corporation holding stock to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the Directors of the Company in addition to the number of Directors authorized by the Special Act;

When and how Municipal Corporations may take stock, &c.

3. A true and perfect account of the names and places of abode of the several Shareholders shall be entered in a Book to be kept for that purpose.

Account of names and residence of Shareholders, to be kept.

BY-LAWS, NOTICES, &C.

19. All By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company shall be affixed openly in every place where tolls are to be gathered, and a printed copy of so much of them as relates to the safety and liability of passengers shall be openly affixed in each passenger car, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be evidence thereof in any Court:

By-laws to be put into writing, and signed by Chairman.

2. All such By-laws, Rules and Orders shall be submitted from time to time to the Governor for approval;

By-laws to be submitted to Governor.

Copies of Minutes to be *prima facie* evidence.

3. Copies of the Minutes of proceedings and resolutions of the Shareholders of the Company, at any general or special meeting, and of the Minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the Minute-book kept by the Secretary of the Company, and by him certified to be true copies, extracted from such Minute-books, shall be evidence of such proceedings and resolutions in any Court;

Notices by Secretary valid.

4. All notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the Directors and Company.

WORKING OF THE RAILWAY.

Servants to wear badges.

20. Every servant of the undertaking employed in a passenger train or at a station for passengers, shall wear upon his hat or cap, a badge which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property;

Trains to start at regular hours.

2. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportations at the place of starting, and at the junctions of other Railways and at usual stopping places established for receiving and discharging way-passengers and goods from the trains;

Passengers and goods to be carried on payment of fare or freight.

3. Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freights or fare legally authorized therefor;

The Company liable for neglect or refusal.

4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company, from which action the Company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the Company or of its servants.

This clause is given as subsequently amended by Act 34 Vict., c. 43, s. 5.

5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same; Checks to be fixed on parcels.

6. If such check be refused on demand, the Company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the Conductor in charge of the train; Penalty for refusing to give Checks.

7. Any passenger producing such check, may himself be a witness in any suit brought by him against the Company to prove the contents and value of his baggage not delivered to him; Passenger a witness in his own behalf.

8. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any be so placed, the officer or agent so directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly; Baggage cars not to be in rear of passenger cars.

9. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle; Locomotives to have bells and steam-whistles.

10. The bell shall be rung, or the whistle sounded at the distance of eighty rods from every place the Railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, and one-half of such penalty and damages shall be chargeable to and collected by the Company from the Engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid; To be rung or sounded at every crossing, &c.

11. Any person in charge of a locomotive engine, or acting as the conductor of a car or train of cars, Intoxication of conductor a misdemeanor.

who is intoxicated, shall be guilty of a misdemeanor;

Passenger refusing to pay fare may be put out.

12. Any passenger refusing to pay his fare, may, by the conductor of the train and the servants of the Company, be put out of the cars, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force;

Passengers to have no claim if injured when on platform of cars, &c.

13. Any passenger injured on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger car then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time;

As to goods of a dangerous nature.

They must be plainly marked.

14. No person shall be entitled to carry or to require the Company to carry upon their Railway, *aqua fortis*, oil of vitriol, gunpowder, nitro-glycerine, or any other goods, which in the judgment of the Company, may be of a dangerous nature; and if any sends by the said Railway any such goods, without, at the time of sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of twenty dollars, for every such offence.

Dangerous goods may be refused.

15. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact;

ACTION FOR INDEMNITY; AND FINES AND PENALTIES AND THEIR PROSECUTIONS.

Limitation of actions for damages.

21. All suits for indemnity for any damage or injury sustained by reason of the Railway shall be instituted within six months next after the time of such supposed damage sustained, or if their be continuation of damage, then, within six months next after the doing or committing such damage ceases, and

not afterwards; and the defendants may plead the general issue and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act:

1. All fines and forfeitures imposed by Part First of this Act or the Special Act, or by any By-law, except those for the levying and recovering of which special provision is herein made, shall be recovered in a summary manner before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred;

Fines, how recovered.

2. All the fines, forfeitures and penalties, recovered under the next preceding paragraph the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the Company, to be applied to the use thereof;

How applicable.

3. Any contravention of this Act or of the Special Act by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

Contravention of this Act, &c., to be a misdemeanor.

Proviso.

GENERAL PROVISIONS.

22. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on Her Majesty's service, shall at all times, when required by the Postmaster General of Canada, the Commander of the Forces or any person having the superintendence and command of any Police Force, and with the whole resources of the Company if required, be carried on the Railway, on such terms and conditions, and under such regulations as the Governor in Council may make:

Provision as to the carriage of Her Majesty's Mail, &c.

Government to have exclusive use of telegraph, if required.

2. The Company shall, when required so to do by the Governor in Council, or any person authorized by him, place any Electric Telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service;

Telegraph line may be constructed by Governor.

3. The Governor may at any time, cause a line or lines of electric telegraph to be constructed along the line of the Railway, for the use of the Government, and for that purpose may enter upon and occupy so much of the lands of the Company as may be necessary for the purpose;

The Canadian Pacific Railway Company has received by its charter the right of transmitting messages for the public by any line of telegraph they may construct on the line of their Railway:—

33. That the Company may, until such right is determined by Parliament, undertake the transmission of messages for the public by any line of telegraph they may construct on the line of their railway, and collect tolls for so doing; or may, with the approval of the Government, lease such line of telegraph, or any portion thereof, subject to any provisions herein contained; and if they think proper to undertake such transactions, they shall be subject to the provisions of the fourteenth and following clauses of chapter sixty-seven of the Consolidated Statutes of Canada.

Further enactments may be made by Parliament.

4. Any further enactments which the Parliament of Canada may hereafter make, for the carriage of the Mail or her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any Electric Telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act;

Tenders to be advertised for, as to works not of immediate necessity.

5. No contracts for works of construction or maintenance of the Railway, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to that at which the work is required to be done, but the Company shall not be compelled to accept any such tender;

Period for subscription of Capital and

6. If the construction of the Railway be not commenced, and ten per cent. on the amount of the

capital be not expended thereon, within three years after the passing of the Special Act, or if the Railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease;

completion of
Railway.

7. After the opening of the Railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of Parliament, an account shall be annually submitted to the three branches containing a detailed and particular account, attested upon oath of the President, or in his absence of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement;

Account to be
submitted to
Legislature.

Some slight alterations are made to this sub-section by clause 32 of the charter of the Canadian Pacific Railway Company:—

32. That the company, after the opening of the railway, or any part thereof, to the public, shall annually submit to the Parliament of Canada, within thirty days after the opening of each session thereof, a detailed and particular account attested by the President and Secretary of the Company, of all moneys by them earned on the part so opened, together with the running expenses thereof, with a classified statement of the tonnage of freight, and the number of passengers conveyed over the said road; and shall comply with any further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same.

8. No further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company;

Form or details
of account may
be varied by
Parliament.

9. Parliament may at any time annul or dissolve any corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred;

Parliament
may dissolve
any Corporation
formed
under this Act.

10. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned.

Saving of Her
Majesty's
Rights, &c.

PART SECOND.

THE RAILWAY COMMITTEE.

Railway Board
of Committee
constituted.

23. The Governor General may, from time to time, appoint such Members of the Privy Council, to the number of four at least, as he may see fit, to constitute the Railway Committee of the Privy Council, and such Committee shall have the powers and perform the duties assigned to them by this Act.

Duties.

May appoint a
Chairman and a
Secretary.

24. The Railway Committee shall appoint one of its members to be Chairman, and the Deputy of the Minister of Public Works or some other fit person appointed by the Committee shall be the Secretary of the Committee.

Railway not to
be opened till
after one
month's notice
to Railway
Committee of
intention to
open the same.

25. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the Company to whom the Railway belongs to the Railway Committee, and until ten days after notice in writing has been given by the Company, to the Railway Committee, of the time when the Railway or portion of Railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

Penalty for
contravention.

26. If any Railway or portion of a Railway be opened without such notices, the Company to whom such Railway belongs, shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the notices have been duly given and have expired.

Railway Com-
mittee upon
report of an
Engineer and
sanction of
Governor in
Council may
postpone the
opening of road.

27. The Railway Committee upon receiving such notification shall direct one or more of the engineers attached to the Department of Public Works, to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling stock intended to be used thereon, and if the inspecting engineer or

engineers report in writing to the Railway Committee that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the ground of such opinion, the Railway Committee, with the sanction of the Governor in Council, and so from time to time, as often as such Engineer or Engineers, after further inspection thereof so report, may order and direct the Company to whom the Railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the Committee that such opening may take place without danger to the public.

28. If any Railway, or any portion thereof, be opened contrary to such order or direction of the Railway Committee, the Company to whom the Railway belongs shall forfeit to Her Majesty, the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction.

Penalty for opening contrary to the order of the Committee.

29. No such order shall be binding upon any Railway Company unless therewith is delivered to the Company a copy of the report of the inspecting engineer or engineers on which the order is founded.

When only such order to be binding on the Company.

30. The Railway Committee, whenever they receive information to the effect that any bridge, culvert, viaduct, tunnel, or any other portion of any railway, or any engine, car, or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction, or from any other cause, or whenever circumstances may arise which, in their opinion, render it expedient, may direct any engineer or engineers as aforesaid, to examine and inspect the railway or any portion thereof or of the works connected therewith, or the engines and other rolling stock in use thereon or any portion thereof, and upon the report of the engineer or

Committee may cause any work to be inspected, and may on report of Engineer, condemn the Railway or rolling stock, with sanction of Gov. Council, and may order certain alterations in the works. &c.

engineers may condemn the railway or any portion thereof or any of the appliances used thereon, and with the approval of the Governor in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct, or tunnel, or of any material for the said Railway, and thereupon the Company to which such Railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing signed by the Chairman of the Committee and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Committee.

Inspecting Engineer may, in case of danger, forbid the running of Trains, &c.

31. If in the opinion of any such Engineer, it is dangerous for trains or vehicles to pass over any Railway, or any portions thereof, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said Engineer may forthwith forbid the running of any train or vehicle over such Railway or portion of Railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running or using such Railway, or to any Officer having the management or control of the running of trains on such Railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

Must report to the Committee, who may confirm or disallow his order.

32. The Inspecting Engineer shall forthwith report the same to the Railway Committee, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the Inspecting Engineer, and such confirmation, modification or disallowance shall be duly notified to the Railway Company affected thereby.

33. Any Engineer or Engineers so appointed as aforesaid to inspect any railway or works, may at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto.

Power of Engineer to examine the works, &c.

34. Every Railway Company and the Officers and Directors thereof shall afford to the Inspecting Engineer or Engineers such information as may be within their knowledge and power in all matters inquired into by them, and shall submit to such Inspecting Engineer or Engineers all plans, specifications, drawings, and documents relating to the construction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part;

Company to afford all necessary information to Engineer.

2. Any such Inspecting Engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such Railway Company;

Engineer to be conveyed by Company.

3. The operators or officers employed in the telegraph offices of or under the control of the Company, shall, without unnecessary delay, obey all orders of any such Inspecting Engineer for transmitting messages, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars;

Telegraph operators to obey his orders.

4. The authority of any such Inspecting Engineer shall be sufficiently evidenced by instructions in writing, signed by the Chairman of the Railway Committee and countersigned by the Secretary thereof.

Proof of his authority.

35. The Governor in Council, upon the Report of the Railway Committee, may authorize or require any Railway Company to construct fixed and permanent bridges, or to substitute such bridges, in the place of the swing, draw or moveable bridges on the line of such railway, within such time as the

Governor may order permanent bridges to be substituted for moveable bridges.

Penalty for neglect.

Governor in Council directs; and, for every day after the period so fixed during which the Company uses such swing, draw or moveable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any Railway Company to substitute any swing, draw or moveable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the previous consent of the Railway Committee.

Certain powers vested in Railway Committee with respect to crossing public highways, on a level.

36. In any case where a Railway is constructed or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Railway Committee, if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the Company to whom such Railway belongs, within such time as the said Committee directs, to carry such road, street or highway either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Committee the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing.

Railway Company may be required to repair any level crossing out of repair.

37. Whenever any level crossing on any Railway shall be out of repair, the Chief Officer of the Municipality, or other local division, having jurisdiction over the Railway so crossed, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Secretary of the Railway Committee; and thereupon it shall be the duty of the Committee, with all possible despatch, to appoint a day for an examina-

tion into the matter ; and shall by mail, give notice to such Chief Officer, and to the Company, of the day so fixed ; and upon the day so named such crossings shall be examined by an Engineer appointed by the Railway Committee ; and any certificate under his hand shall be final on the subject so in dispute between the parties ; and if the said Engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same ; and the Company shall thereupon, with all possible despatch, comply with the requirements of such certificate ; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the Company in any Court of competent jurisdiction, as money paid to the Company's use ; Provided always that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises.

Inspecting Engineer's certificate to be conclusive.

Proviso.

38. The Railway Committee, or the Inspecting Engineer or Engineers, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as they or he may think sufficient have been made, or until such times as they or he think prudent ; and the Company owing, running or using such railway shall comply forthwith with any such Order of the Railway Committee or Inspecting Engineer, upon notice thereof as aforesaid and for every act of non-compliance therewith every such Railway Company shall forfeit to Her Majesty the sum of two thousand dollars.

When the Committee may regulate speed, &c.

Penalty for non-compliance.

39. Every Railway Company shall, as soon as possible, and at least within forty-eight hours, after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the Railway has been broken or so damaged as to be

Notice of accidents to be given to the Committee.

impassable or unfit for immediate use, give notice thereof to the Railway Committee; and if any Company wilfully omits to give such notice such Company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Inspection
not to relieve
Company from
liability.

40. No inspection had under this Act nor anything in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any Railway Company, of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for anything done or omitted to be done by such Company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the laws in force in the Province in which such liability or responsibility arises.

Company to
notify orders
of Board to its
officers, &c.

41. Every Railway Company, shall, as soon as possible after the receipt of any order or notice of the Railway Committee or Inspecting Engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the fifty-second section of this Act.

What to be
deemed suffi-
cient notice
thereof.

42. All orders of the Railway Committee shall be considered as made known to the Railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the Board, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendent of the Company, or at the office of the Company; and orders of the Inspecting Engineer or Engineers shall be deemed to be made known to the Railway Company, by a notice thereof, signed by the engineer or engineers, and delivered as above mentioned.

43. Every Railway Company shall, within one month after the first days of January and July, in each, and every year, make to the Railway Committee, under the oath of the President, Secretary or Superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the Company during the half year next preceding each of the said periods respectively, setting forth :

Return of accidents to be made semi-annually, and what to contain.

1. The causes and natures of such accidents and casualties ;

2. The points at which they occurred and whether by night or by day ;

3. The full extent thereof, and all the particulars of the same ; and,

4. Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their Railway.

44. The Railway Committee may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any Railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Committee deem necessary and require for their information with a view to the public safety.

Form to be appointed by the Railway Committee.

45. If such returns so verified be not delivered within the respective times herein prescribed or within fourteen days after the same have been so required by the committee, every Company making default, shall forfeit to Her Majesty the sum of one hundred dollars, for every day during which the Company neglects to deliver the same.

Penalty for neglect.

46. All such returns shall be privileged communications, and shall not be evidence in any Court whatsoever.

Such returns to be privileged communications.

Railway committee to have, with respect to certain Railways, the powers of the former Railway Commissioners.

17. With respect to all Railways coming within the jurisdiction of the Parliament of Canada, to which the provisions of the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, apply, the Railway Committee constituted by this Act shall be invested with all the rights and powers vested in the Board of Railway Commissioners under the said Act, collectively, or in any single member thereof; such powers may be exercised by the said Committee collectively or by any single member thereof, as the case may be, in the same manner and as effectually as they might have been exercised by the said Board of Railway Commissioners; but any inspection that may be required in respect of any such Railway, shall be performed in conformity with the provisions of this Act:

And may continue proceedings commenced by R. Commissioners.

2. All proceedings heretofore commenced by the said Board of Railway Commissioners may be taken up and continued; and all orders and regulations of the said Board, and all penalties and forfeitures, for their contravention, may be enforced and recovered by the Railway Committee in the same manner and with the same effect as they might have been by the said Board before the passing of this Act.

TRAFFIC ARRANGEMENTS.

One Company may agree with another respecting traffic.

18. The Directors of any Railway Company may, at any time, make agreements or arrangements with any other Company either in Canada or elsewhere, for the regulation and interchange of Traffic passing to and from their Railways, and for the working of the traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement,

with such powers and functions as may be considered necessary or expedient, subject to the consent of two thirds of the Stockholders voting in person or by proxy:

2. But every Railway Company shall, according to their respective powers, afford all reasonable facilities to any other Railway Company, for the receiving and forwarding and delivering of traffic upon, and from the several Railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks, and other vehicles; and no Company shall give or continue any preference or advantage to, or in favor of, any particular Company, or any particular description of traffic, in any respect whatsoever, nor shall any Company subject any particular Company, or any particular description of traffic, to any prejudice or disadvantage in any respect whatsoever; and every Railway Company having or working a Railway which forms part of a continuous line of Railway, or which intersects any other Railway, or which has any terminus, station, or wharf of the one near any terminus, station or wharf of the other, shall afford all reasonable facilities for receiving and forwarding by the one Railway all the traffic arriving by the other, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said Railway Companies; and any agreement made between any two or more Railway Companies contrary to the foregoing provisions, shall be unlawful, null and void;

Railway Companies must afford each other every facility for the forwarding of traffic without preference or favor.

Agreements made in contravention of this Act to be void.

3. Any Railway Company granting any facilities to any Incorporated Express Company shall grant equal facilities on equal terms and conditions to any other incorporated Express Company demanding the same;

Must grant equal facilities to Express Companies.

4. If any officer, servant or agent of any Railway Company, having the superintendence of the traffic

Penalty on Companies or their officers

refusing or neglecting to forward traffic as above required.

How recoverable and how to be applied.

Interpretation of word "Traffic."

Railway Company, &c.

Constables may be appointed to act on the line of any Railway, and how.

at any Station or Depot thereof, refuses or neglects to receive, convey or deliver at any Station or Depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such Company, for conveyance over or along their Railway from that of any other Company, intersecting or coming near to such first mentioned Railway,—or in any way wilfully contravenes the provisions of the second subsection of this section,—such first mentioned Railway Company, or such officer, servant or agent, personally shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars, over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any Justice of the Peace, by the Railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of the Company, or other party so aggrieved;

5. For the purposes of the four next preceding sub-sections, the word "Traffic" includes not only passengers and their baggage, goods, animals and things conveyed by Railway, but also cars, trucks and vehicles of any description adapted for running over any Railway,—the word "Railway" includes all Stations and Depots of the Railway;—and a Railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

RAILWAY CONSTABLES.

49. The Justices of the Peace for any County in the Provinces of Ontario, Nova Scotia or New Brunswick, assembled at any General or Quarter Sessions of the Peace, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, on the application of the Board of Directors of any Railway Company, whose Railway passes within the local jurisdiction of such Justices of the Peace, Judge, Clerk, or Judge of the Sessions of the Peace,

as may be, or on the application of any Clerk or agent of such Company thereto authorized by such Board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Board of Directors, Clerk or Agent, to act as Constables on and along such Railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

"I, A. B., have been appointed a Constable to act Oath of office.
 "upon and along (*here name the Railway*), under the
 "provisions of (*here insert the title of this Act*), do
 "swear that I will well and truly serve Our Sovereign Lady the Queen, in the said office of Constable, without favor or affection, malice or ill-will,
 "and that I will, to the best of my power, cause the
 "peace to be kept, and prevent all offences against
 "the peace, and that while I continue to hold the
 "said office, I will, to the best of my skill and
 "knowledge, discharge the duties thereof faithfully,
 "according to law. So help me God."

By clause 54 of the Charter this section is amended as follows as regards the Canadian Pacific Railway:

54. That the Justices of the Peace for any county or district in British Columbia and Manitoba, assembled in general or quarter sessions shall have the power vested by section forty-nine of "The Railway Act, 1868," in the Justices so assembled in the Province of Ontario as to the appointment of Railway Constables, and in places where there are no such sessions, any two Justices of the Peace in any Province, or in any place not within a Province, shall have the powers given by the said section to any two Justices of the Peace in Ontario for the appointment and dismissal of any such constables.

2. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia or New Brunswick, by any one such Justice, and in the Province of Quebec by any such Judge, Clerk or Judge of the Sessions of the Peace; and every Constable so appointed, and having taken such oath or made such declaration, shall have full power to act as a Constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts, on such Railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, land-

By whom to be administered.

Powers of such Constables, and to what localities they shall extend.

ing places, warehouses, lands and premises belonging to such Company, whether the same be in the county, city, town, parish, district, or other local jurisdiction within which he was appointed, or in any other place through which such Railway passes, or in which the same terminates, or through or to which any Railway passes, which may be worked or leased by such Railway Company, and in all places not more than one quarter of a mile distant from such Railway or Railways; and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any Constable duly appointed has within his Constableness; and it shall be lawful for any such Constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or By-laws affecting any such Railway, before any Justice or Justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such Railway may pass; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction;

Duties and powers of such Constables.

Dismissal of any such Constable.

3. Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia or New Brunswick, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, may dismiss any such Constable, who may be acting within their several jurisdictions; and the Board of Directors of such Railway Company, or any Clerk or Agent of such Company thereto authorized by such Board, may dismiss any such Constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed

or act as a Constable for such Railway, without the consent of the authority by which he was dismissed ;

4. Every such Railway Company shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district, or other local jurisdiction wherein such Railway or Railways may pass, the name and designation of every Constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as may be ; and every such Clerk of the Peace shall keep such record in a book, to be open to public inspection, charging such fee or fees as the Railway Committee may from time to time authorize, and in such form as the Committee may from time to time direct ;

Record of appointment of each Constable to be kept.

Fees.

As concerns the Canadian Pacific Railway, by clause 54 of the Charter, it is provided that where there is no Clerk of the Peace the record of the appointment of a Constable is dispensed with.

5. Every such Constable who is guilty of any neglect or breach of duty in his office of Constable, shall be liable, on summary conviction thereof, within any county, city, district, or other local jurisdiction wherein such Railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such Constable be in receipt of a salary from the Railway Company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district, or other local jurisdiction ;

Punishment of Constables guilty of neglect of duty.

6. Every person who assaults or resists any Constable appointed as aforesaid, in the execution of his duty, or who incites any person, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months.

And of persons resisting them.

GENERAL PROVISIONS.

Companies to make By-laws for regulation of conductors and other officers, &c.

50. Every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers and other officers and servants of the Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the Railway of the Company, as are requisite for ensuring the perfect carrying into effect of the provisions of this Act, and the orders and regulations of the Railway Committee.

Company may impose penalties for contravention of By-laws.

51. Any Railway Company may by a By-law impose upon any officer, servant, or person who before the contravention of such By-law has had notice thereof and is employed by the Company, a forfeiture to the Company of not less than thirty days' pay of such officer or servant, for any contravention of such By-law, and may retain any such forfeiture out of the salary or wages of the offender.

How notice of By-laws or Orders may be proved.

52. The notice of the By-law or of any order or notice of the Railway Committee, or of the Inspecting Engineer or Engineers, may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed.

When such proof, &c., to be a defence for the Company.

53. Such proof, with a proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery of the amount so retained, and such forfeiture shall be over and above any penalty under this Act.

Not to impede navigation.

54. No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried.

Railways crossing Rivers, &c., regulated.

55. If the Railway be carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge

or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw bridge or swing bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing bridge or draw bridge as the Governor in Council from time to time makes.

56. It shall not be lawful for any such Company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Railway Committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the Committee.

Plans to be submitted to the Governor in Council.

By Clause 46 of the Charter of the Canadian Pacific Railway Company, this section is amended by substituting the word "Government" in the place of "Railway Committee," as to the approval of plans and sites of bridges over navigable waters.

The part of Clause 46 here above referred to, reads as follows:

"The Company shall not commence the construction of any bridge over any navigable water, until they shall have submitted to the Government plans of such bridge, and of all the intended works thereto appertaining, nor until such plans, and the site of such bridge shall have been approved by the Government; and such conditions as it shall think fit to impose touching said bridge shall be complied with; nor shall any plan of any such bridge be altered, or deviation therefrom allowed, except by permission of the Government."

57. Nothing contained in the three next preceding sections of this Act, shall be construed to limit or affect any power expressly given to any Railway Company by its Special Act of Incorporation or any Special Act amending the same.

Exception where special powers given by the Special Act.

58. In all cases where a Railway passes any draw or swing bridge over a navigable river, canal or stream which is subject to be opened for the purposes of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the Bridge Tender that the said Bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes, the

When a Railway passes over a swing-bridge, &c., train to stop for three minutes.

said Railway Company shall be subject to a fine or penalty of four hundred dollars.

Company to use the best apparatus for communication between conductors and engine-drivers and for stopping or disconnecting cars, fixing seats in cars, &c.

59. Every Railway Company which runs trains upon the railway for the conveyance of passengers shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Railway Committee may order.

Penalty for not complying with the 59th section.

60. Every Railway Company which fails to comply with any of the provisions contained in the next preceding section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

Further precautions at level crossings.

61. Every Railway Company shall station an officer at every point on their line crossed on a level by any other Railway, and no train shall proceed over such crossing until signal has been made to the Conductor thereof that the way is clear.

Further precautions when one Railway crosses another on a level.

62. Every locomotive or Railway engine or train of cars on any Railway, shall, before it crosses the track of any other Railway on a level, be stopped for at least the space of one minute.

Or runs through a city, town, &c.

63. No locomotive or Railway engine shall pass in or through any thickly peopled portion of any City, Town or Village at a speed greater than six miles per hour, unless the track is properly fenced.

64. Whenever any train of cars is moving reversely in any City, Town or Village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such Railway, of the approach of such train; and for any contravention of the provisions of this and the three next preceding sections the Company shall incur a penalty of one hundred dollars.

Or moves
reversely.

65. If the Railway Committee orders any Railway Company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their Railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the Railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

Foot passengers to use foot bridge, if provided for that purpose at level crossings.

66. No horse, sheep, swine or other cattle, shall be permitted to be at large upon any highway within a half mile of the intersection of such highway with any Railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection.

No cattle to be allowed to be at large on any highway within half a mile of any Railway.

67. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Such cattle may be impounded.

If killed owners not entitled to any action.

68. No person, any of whose cattle being at large, contrary to the provisions of section sixty-six, are killed by any train at such point of intersection, shall have any action against any Railway Company in respect to the same being so killed.

Crossings to be fenced.

69. At every road and farm crossing on the grade of the Railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.

Ground belonging to the Company to be cleared off weeds, &c.

70. Every Railway Company, shall cause all thistles and other noxious weeds growing on the cleared land or ground adjoining the Railway and belonging to such Company to be cut down and kept constantly cut down or to be rooted out of the same.

Consequences of omitting to do so.

71. If any Railway Company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the Mayor, Reeve, or Chief Officer of the Municipality of the Township, County or District in which the land or ground lies, or from any Justice of the Peace therein, such Company shall thereby incur a penalty of two dollars to the use of the Municipality, and in the Provinces of Nova Scotia and New Brunswick, to the overseer of the poor for the locality, for each day during which they neglect to do any thing which they are lawfully required to do by such notice, and the said Mayor, Reeve or Officer or Justice of the Peace may cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds, and may recover the expenses and charges incurred in so doing, and the said penalty with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered.

Interest of purchase money or rent of real property to be deemed working expenses.

72. The interest of the purchase money or rent of any real property acquired or leased by any Railway Company, and necessary to the efficient working of such Railway, and the price or purchase

money of any real property or thing, without which the Railway could not be efficiently worked, shall be considered to be part of the expenses of working such Railway, and shall be paid as such out of the earnings of the Railway :

PENAL CLAUSES.

2. Every person, who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common Gaol of the District or County, where the conviction takes place, for any term less than two years; or, in the Penitentiary, for a term not to exceed five years, and not less than two years;

Penalty on persons obstructing free use of Railway.

3. All persons wilfully and maliciously, and to the prejudice of the Railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Railway, vessels or works, shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or Law, to a felony, in which case such person shall be guilty of a felony, and the Court by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanor or felony, as the case may be, are directed to be punished by the laws in force in Canada.

Penalty on persons damaging Railway.

If the offence be a felony.

73. If any person wilfully and maliciously displace or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys

Punishment of persons doing any thing to Railway with intent to injure

persons or
property.

And if such
damage be ac-
tually done.

And if any
person be
killed or his
life be lost,
the offence to
be man-
slaughter.

Punishment.

Committing
any injury,
stoppage, &c.,
to be a misde-
meanor.

any Railway track or Railway bridge or fence of any Railway or any portion thereof, or places any obstruction whatsoever on any such rail or Railway track, or bridge, with intent thereby to injure any person or property, passing over or along such Railway, or to endanger human life, such person shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labour in the Common Gaol of the Territorial Division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railway, actually suffers any bodily harm, or if any property passing over and along such Railway be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the Penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.

74. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys any Railway track or Railway bridge or fence of any Railway or any portion thereof, or places any obstruction whatever on any such rail or Railway track or bridge, or does or causes to be done any act whatever whereby any engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railway, and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the Penitentiary for any period not more than ten nor less than four years.

75. If any person wilfully and maliciously does or causes to be done, any act whatever whereby any building, fence, construction or work of any Railway,

or any engine, machine or structure of any Railway, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanor, and be punished by imprisonment with hard labor not exceeding one year, in the Common Gaol of the Territorial Division in which the offence was committed or has been tried.

76. Every person who bores, pierces, cuts, opens, or otherwise injures any cask, box or package, containing wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay or premises of or belonging to any such Railway Company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction before one or more Justices of the Peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for not more than one month.

Punishment of persons boring or cutting casks or packages on Railway.

77. Every person wilfully obstructing any Inspecting Engineer in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice of the Peace appoints, the same Justice or any other Justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

Punishment of persons obstructing Inspectors in the execution of their duty.

Punishment
of officers, &c.
contravening
by-laws, &c.

78. If any officer or servant of, or person employed by any Railway Company, wilfully or negligently contravenes any By-Law or regulation of the Company lawfully made and in force, or any Order or Notice of the Railway Committee, or of the Inspecting Engineer or Engineers, of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall in the discretion of the Court before whom the conviction is had, and according as such Court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for over two years shall be in the Penitentiary.

Penalty in
certain cases,
and how re-
covered.

79. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Company, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer.

Application of

80. One moiety of such penalty shall belong to

Her Majesty for the public uses of Canada, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the Company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid.

81. The Company may in all cases under the three next preceding sections pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay.

The Company may pay penalty and deduct from wages.

APPLICATION OF PENALTIES.

82. All penalties recovered under this Act, in respect to the application of which no other provision is made, shall be paid to the Receiver General of Canada to the credit of "The Railway Inspection Fund."

How penalties recovered and applied.

RAILWAY FUND.

83. Every Railway in Canada to which this Act applies, shall so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Railway Committee, not exceeding ten dollars per mile of Railway constructed and in use; such rate to be paid half yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund."

Railway Inspection Fund.

CERTAIN SECTIONS LIMITED.

84. In the construction of the provisions of this Act, from and including section twenty-three, the expression: "Railway Company" or "Company" shall include any person being the owner or lessee of or a contractor working any railway constructed or carried on under the powers of an Act of Parliament.

What the words "Railway Company," shall include.

APPENDIX B.

ANNO TRICESIMO-QUINTO.
VICTORIÆ REGINÆ.

CAP. LXXI.

An Act respecting the Canadian Pacific Railway:
[Assented to 14th June, 1872.]

Preamble.

Recital:
Agreement
with British
Columbia as to
Pacific Rail-
way.

WHEREAS by the terms and conditions of the admission of British Columbia into union with the Dominion of Canada, set forth and embodied in an address to Her Majesty, adopted by the Legislative Council of that Colony, in January, 1871, under the provisions of the one hundred and forth-sixth section of "*The British North America Act, 1867*," and laid before both the Houses of the Parliament of Canada by His Excellency the Governor General during the now last session thereof, and recited and concurred in by the Senate and House of Commons of Canada during the said session, and embodied in addresses of the said Houses to Her Majesty under the said section of the *British North America Act*, and approved by Her Majesty and embodied in the Order in Council admitting British Columbia into the union under the said Act, as part of the Dominion of Canada, from the twentieth day of July, 1871,—it is among other things provided, that the Government of the Dominion undertake to secure the com-

mencement simultaneously within two years from the date of the union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, east of the Rocky Mountains towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further, to secure the completion of such Railway within ten years from the date of the union;—The Government of British Columbia agreeing to convey to the Dominion Government in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said railway, a similar extent of public lands along the line of railway throughout its entire length in British Columbia, not to exceed, however, twenty miles on each side of the said line, as may be appropriated for the same purpose by the Dominion Government from the public lands in the North-West Territories and the Province of Manitoba, subject to certain conditions for making good to the Dominion Government from contiguous lands, any lands within the said limits which may be held under preemption right or Crown grant, and for restraining the sale or alienation by the Government of British Columbia, during the said two years, of lands within the said limits;—And whereas, the House of Commons of Canada resolved during the said now last session, that the said railway should be constructed and worked by private enterprise and not by the Dominion Government; and that the public aid to be given to secure that undertaking, should consist of such liberal grants of land, and such subsidy in money, or other aid; not increasing the present rate of taxation, as the Parliament of Canada should thereafter determine; and it is expedient to make provision for carrying out the said agreement and resolution: Therefore Her Majesty, by and with the advice of the Senate and House of Commons of Canada, enacts as follows:—

Resolution of
House of
Commons.

1. A railway to be called "The Canadian Pacific Railway" shall be made in conformity with the agree-

Canadian
Pacific Rail-
way. Name,

course and
line.

How to be
made and
worked.

Capital of
company.

Time limited
for construc-
tion.

Proviso :
deposit of ten
per cent. of
capital.

—Land grant.

ment referred to in the preamble to this Act, and such railway shall extend from some point on or near Lake Nipissing and on the south shore thereof, to some point on the shore of the Pacific Ocean, both the said points to be determined by the Governor in Council, and the course and line of the said railway between the said points to be subject to the approval of the Governor in Council.

2. The whole line of the said railway shall be made and worked by private enterprise, and not by the Dominion Government, and by one company having a subscribed capital of at least ten million dollars, and approved of and agreed with by the Governor in Council in the manner hereinafter mentioned, and shall be *bona fide* commenced within two years from the twentieth day of July, one thousand eight hundred and seventy-one, and completed within ten years from the said day; and subject to the said provision as to commencement and completion, the company shall further be bound to commence and complete at such time or times as the Government may prescribe, any portion or portions of the railway lying between points on the line thereof to be defined in the Order or Orders in Council to be made from time to time in that behalf: Provided always that ten per cent. of the capital of the company shall be paid up and deposited in money or Government securities, in the hands of the Receiver General of Canada, before any agreement is concluded between the Government and the company, and shall remain in his hands until otherwise ordered by Parliament; but if after the payment into the hands of the Receiver-General by any company of the said deposit, such contract should not be finally executed, the Governor in Council shall order the said deposit to be returned.

3. The land grant to be made to the company constructing and working the said railway, to secure the construction of the same, and in consideration thereof, shall not exceed in the whole fifty million acres; but subject to this limitation, it may, in the Provinces of Manitoba and British Columbia and the

North West Territories, be equal to but shall not exceed what would be contained in blocks not exceeding twenty miles in depth on each side of the said railway, alternating with other blocks of like depth on each side thereof to be reserved by and for the Dominion Government, for the purposes of this Act, and to be sold by it, and the proceeds thereof applied towards reimbursing the sums expended by the Dominion under this Act; and the lands to be granted to the company may be laid out and granted in such alternate blocks, in places remote from settlement and where the Governor in Council may be of opinion that such system is expedient, and to be designated in and by agreement between the Government and the company; but no such grant shall include any land then before granted to any other party, or on which any other party has any lawful claim of pre-emption or otherwise, or any land reserved for school purposes; and the deficiency arising from the exception of any such lands shall be made good to the company by the grant of an equal extent from other wild and ungranted Dominion lands: Provided that, so far as may be practicable, none of such alternate blocks of land as aforesaid shall be less than six miles nor more than twelve miles in front on the railway, and the blocks shall be so laid out as that each block granted to the company on one side of the railway shall be opposite to another block of like width reserved for the Government on the other side of the railway: And provided further, that if the total quantity of land in the alternate blocks to be so granted to the company, should be less than fifty million acres, then the Government may, in its discretion, grant to the company such additional quantity of land elsewhere as will make up with such alternate blocks, a quantity not exceeding fifty million acres; and in the case of such additional grant a quantity of land elsewhere equal to such additional grant shall be reserved and disposed of by the Government for the same purpose as the alternate blocks to be reserved as aforesaid by the Government on the line of the rail-

Extent.

Lands granted to be in alternate blocks.

Proviso.

Proviso: as to frontage on railway.

Proviso: if alternate blocks granted do not amount to 50,000,000 acres.

Right of way.

way, and such additional lands granted to the company and reserved for the Government shall be laid out in alternate blocks on each side of a common front line or lines, in like manner as the blocks granted and reserved along the line of the railway: And the Governor in Council may, in his discretion, grant to the company the right of way through any Dominion lands.

Lands in Ontario.

In the Province of Ontario, the land grant to the company for the purposes aforesaid, shall be such as the Government of the Dominion may be enabled to make, under any arrangement with the Government of the Province of Ontario.

When and in what proportion lands may be granted.

The lands to be granted to the company under this section, may be so granted from time to time as any portion of the railway is proceeded with in quantities proportionate to the length, difficulty of construction or expenditure upon such portion, to be determined in such manner as may be agreed upon by the Government and the company.

Subsidy in money to company.

4. The subsidy or aid in money to be granted to the said company shall be such sum not exceeding thirty millions of dollars in the whole, as may be agreed upon between the Government and the company, such subsidy to be granted from time to time by instalments as any portion of the railway is proceeded with; in proportion to the length, difficulty of construction, and cost of such portion:— And the Governor in Council is hereby authorized to raise by loans in the manner by law provided such sum not exceeding thirty million dollars as may be required to pay the said subsidy.

Amount limited.

Loan authorized.

Gauge of railway, grades, &c.

5. The gauge of the railway shall be four feet eight inches and a half, and the grades thereof, and the materials and manner of and in which the several works forming part thereof shall be constructed, and the mode of working the railway, including the description and capacity of the locomotive engines and other rolling stock for working it, shall be such as may be agreed on by the Government and the company.

6. The Government of Canada and the company may agree upon the periods within which any definite portion or portions of the railway shall be completed: and whenever any portion of the railway exceeding twenty miles is completed, the Governor in Council may require the company to work the same for the conveyance of passengers and goods at such times and in such manner as may have been agreed upon with the company or provided in their charter.

Completion and working of sections of the railway.

7. Her Majesty's naval or military forces, and all artillery, ammunition, baggage, provisions or other stores for their use, and all officers and others travelling on Her Majesty's naval or military or other service and their baggage and stores, shall at all times, when the company shall be thereunto required by one of Her Majesty's Principal Secretaries of State, or by the Commander of Her Majesty's Forces in Canada, or by the Chief Naval Officer on the North American Station on the Atlantic, or the Valparaiso Station on the Pacific Ocean, be carried on the said railway on such terms and conditions, and under such regulations as the Governor in Council shall from time to time make, or as shall be agreed upon between the Government of Canada, and one of Her Majesty's Principal Secretaries of State.

Transport of Her Majesty's officers, war material, &c.

8. The company shall allow, as part of the subsidy aforesaid, the cost of the survey made in the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, by the Government of Canada, for the purpose of ascertaining the best line for the said railway.

Cost of survey made by Government to be part of subsidy.

9. If there be any company incorporated by the Parliament of Canada with power to construct and work a railway from Lake Nipissing to the Pacific Ocean, on a line approved by the Governor in Council under this Act,—then, if such Company have the amount of subscribed capital hereinbefore mentioned, and be in the opinion of the Governor in Council able to construct and work such railway in the manner and within the time hereinbefore

Government may agree with a company incorporated for the construction of the railway.

prescribed, and there be no provision in their Act of incorporation preventing an agreement being made with and carried out by such company under this Act and in conformity with all the provisions thereof,—The Governor in Council may make such agreement with the company, and such agreement shall be held to be part and parcel of its Act of incorporation, as if embodied therein, and any part of such Act inconsistent with such agreement shall be null and void.

If more than one are so incorporated.

Companies may unite, and in what manner.

10. If there be two or more companies incorporated by the Parliament of Canada, each having power to construct and work a railway over the whole or some part of the line between Lake Nipissing and the Pacific Ocean approved by the Government, but such companies having together power to construct and work railways over the whole of such line, and having together a subscribed capital of at least ten million dollars,—then the directors of the several companies may at any time within one month after the passing of this Act, agree together that such companies shall be united and form one company, on such terms and conditions as they may think proper, not inconsistent with this Act; and such agreement shall fix the rights and liabilities of the shareholders after such union, the number of directors of the company after the union, and who shall be directors until the then next election, the period at which such election shall take place, the number of votes to which the shareholders of each company shall be respectively entitled after the union, and the provisions of their respective Acts of incorporation and by-laws, which shall apply to the united company; and generally such agreement may contain all such stipulations and provisions as may be deemed necessary for determining the rights of the respective companies and the shareholders thereof after the union.

Agreement to unite to be submitted to shareholders of respective companies.

11. Whenever any agreement of amalgamation shall have been made under the next preceding section, the directors of each of the companies which it is to affect shall call a special meeting of

the shareholders of the company they represent, in the manner provided for calling general meetings, stating specially that such meeting is called for the purpose of considering the said agreement and ratifying or disallowing the same; and if, at such meeting of each of the companies concerned, respectively, three-fourths or more of the votes of the shareholders attending the same, either in person or by proxy, be given for ratifying the said agreement, then it shall have full effect accordingly, as if all the terms and clauses thereof, not inconsistent with this Act, were contained in an Act of the Parliament of Canada: Provided that no such agreement shall have any effect unless it be ratified as aforesaid, within three months after the passing of this Act, and be also ratified and approved by the Governor in Council before either or any of the companies have commenced work upon its railway. Proviso.

12. From and after the ratification of the agreement for their union, the companies united shall be one company, and the subscribers and stockholders of each shall be deemed subscribers and stockholders of the company formed by the union, according to the terms of the agreement, which shall have force and effect, in so far as it is not inconsistent with this Act, or with law, as if embodied in an Act of the Parliament of Canada; and the corporate name of the company shall be such as provided by the agreement, subject to the provision hereinafter made. United companies to form one company.

13. The Government of Canada may in its discretion agree with the company so formed by the union of two or more companies, for the construction and working of the railway in accordance with this Act, in like manner as with a company originally incorporated for the construction of the whole line of the railway:—Provided that with whatever company such agreement is made, the name of such company shall thereafter be "The Canadian Pacific Railway Company," and the chief place of business of the company shall be in the City of Ottawa. Agreement may be made with company so formed.

Corporate name and chief seat of business.

Company may
surrender its
Act of incor-
poration and
accept a
charter.

14. The Company with which such agreement as aforesaid is made, may, with the consent of the Governor in Council, surrender its Act or Acts of incorporation, and accept instead thereof a charter to be granted by the Governor embodying the agreement, so much of this Act, and such of the provisions of its Act or Acts of incorporation and of the Railway Act, modified as mentioned in the next following section, as may be agreed upon by the Government and the company, and such charter being published in the *Canada Gazette*, with any Order or Orders in Council relating to it, shall, in so far as it is not inconsistent with this Act, have force and effect as if it were an Act of the Parliament of Canada.

If there be no
incorporated
company,
Governor may
grant a char-
ter.

15. If there be no company, either incorporated originally for the construction of the whole line of railway or formed out of two or more companies as aforesaid for that purpose, or if the Government cannot or does not deem it advisable to agree with any such company for the construction and working of the whole line of railway under this Act, or is of opinion that it will be more advantageous for the Dominion and will better ensure the attainment of the purposes of this Act, that a company should be incorporated by charter as hereinafter provided,—then, if there be persons able and willing to form such company, and having a subscribed capital of at least ten million dollars, secured to the satisfaction of the Governor in Council, and ready to enter into such agreement,—the Governor may grant to such persons and those who shall be associated with them in the undertaking, a charter embodying the agreement made with such persons, (which shall be binding on the company) and so much of this Act and of the Railway Act (as the said Act is modified by any Act of the present session, with reference to any railway to be constructed under such Act, on any of the lines, or between any of the points mentioned in this Act) as may be agreed upon by the Government and the company; and such charter being published in the *Canada Gazette* with any

Conditions on
which to be
granted.

Publication of
charter and its
effect.

Provido.

Order or Orders in Council relating to it, shall, in so far as it is not inconsistent with this Act, have force and effect as if it were an Act of the Parliament of Canada: Provided that one of the conditions of the agreement and of the charter shall be, that at least ten per cent. of the capital shall be paid into the hands of the Receiver-General, in money or Government securities, within one month after the date of the charter, and shall remain in his hands until otherwise ordered by Parliament.

16. The Government of Canada may further agree with the company with whom they shall have agreed for the construction and working of the said railway, for the construction and working of a branch line of railway, from some point on the railway first hereinbefore mentioned, to some point on Lake Superior in British territory, and for the construction and working of another branch line of railway from some point on the railway first mentioned, in the Province of Manitoba, to some point on the line between that Province and the United States of America,—the said points to be determined by the Governor in Council: and such branch lines of railway shall, when so agreed for, be held to form part of the railway first hereinbefore mentioned, and portions of "The Canadian Pacific Railway:" and in consideration of the construction and working of such branches a land grant in aid thereof may be made to the company to such extent as shall be agreed upon by the Government and the company: Provided that such land grant shall not exceed twenty thousand acres per mile of the branch line in Manitoba,—nor twenty-five thousand acres per mile of the branch line to Lake Superior.

Agreement for construction of branches.

To form part of the railway.

Land grant in such case.

17. The Governor may from time to time appoint such officers or persons as he may see fit, to superintend the construction of the said railway, and the works connected with it, for the purpose of ensuring the faithful performance of the agreement between the Government and the company constructing them, and the observance of all the provisions of the charter of such company.

Officers to superintend construction of railway.

Reports by the
company.

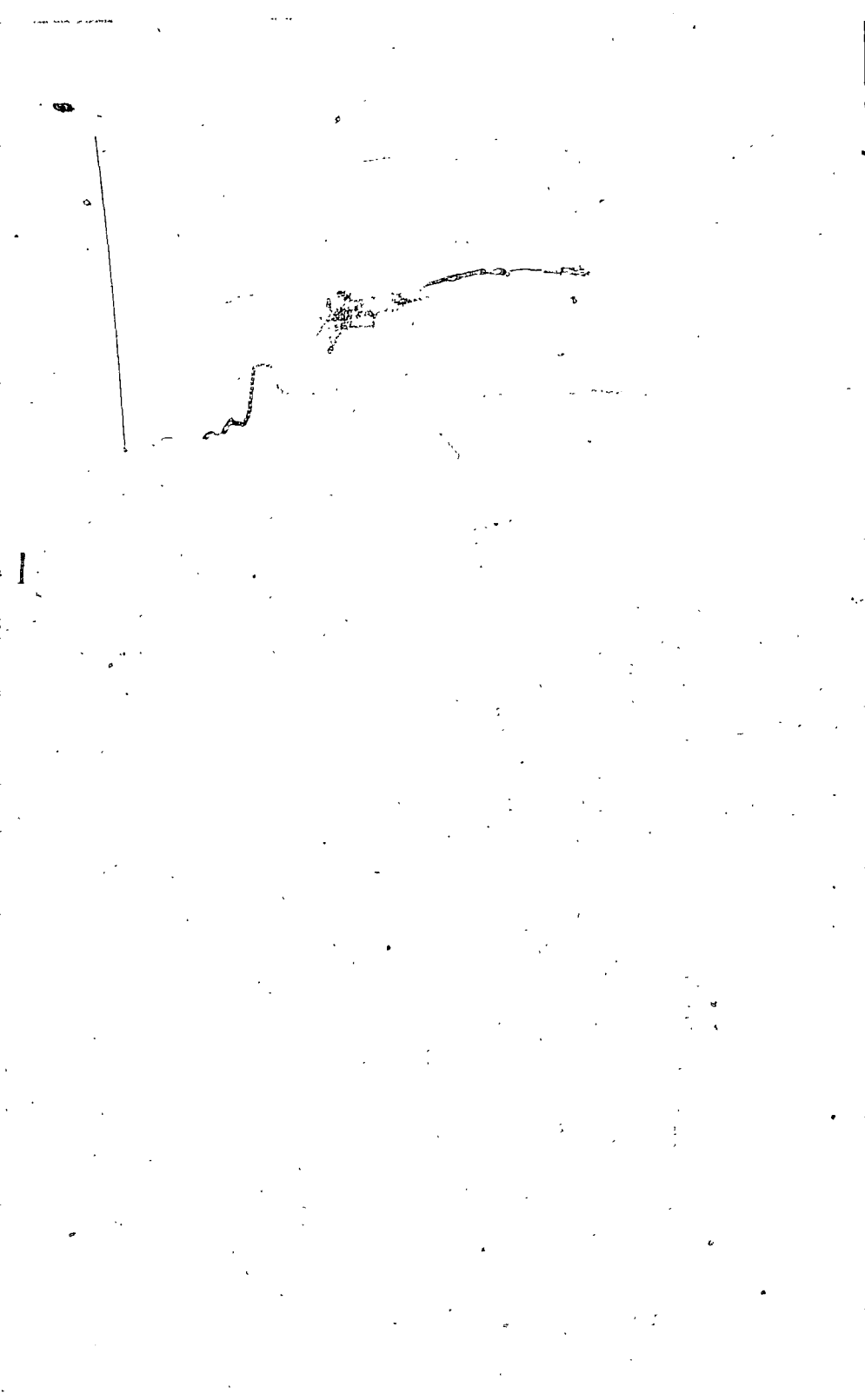
18. The company shall from time to time furnish such reports of the progress of the work, and with such details as the Government may require.

Interpretation.

19. The expression "the Government," or "the Government of Canada" in this Act, means the Governor in Council; and anything authorized to be done under this Act by the Governor may be done by him under an Order in Council; and any

Agreements
with the
Government.

agreement made by the Government with any railway company, may be made with a majority of the directors *de facto* of such company, and being certified as so made, by the signature of the President *de facto* of the company, shall be held to be made by the company and have effect accordingly.



APPENDIX C.

34 VICTORIA, CAP., 43.

An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing Traffic over their Railways, and to amend The Railway Act, 1868.

WHEREAS it may happen that a Railway Company whose Railway is subject to the Legislative authority of the Parliament of Canada, as connecting one Province in the Dominion with another or others, or, as extending beyond the limits of one Province, or as having been declared by Parliament to be for the general advantage of Canada, or for the advantage of two or more Provinces, may from the increase of the traffic on such Railway and those connecting with it, require at certain stations or places, more ample space for the proper accommodation of such traffic, and of the Public, than they now possess, or than they can take, or acquire under the Act or Acts incorporating or applying to such Company, and it is necessary in the public interest, and for the extension of the commerce of the Dominion, that the most ample accommodation should be furnished for such traffic; and whereas it is also expedient to make certain amendments to "The Railway Act, 1868." Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Whenever any Railway Company, subject for

any of the causes mentioned in the preamble to the Legislative authority of the Parliament of Canada, (and whether "The Railway Act, 1868," does or does not for other purposes apply to such Company or their Railway,) requires at any station or place on the line of such Railway more ample space for the convenient accommodation of the public and of the traffic on the Railway, than they then possess, or can take without the consent of the Proprietors thereof, the Company may cause a plan to be made of the additional ground required at such stations or places for the purposes aforesaid, not being in actual use for similar purposes by any other Railway Company (and for the purpose of making such plan shall have the powers granted to Railway Companies for making surveys by the seventh section of The Railway Act, 1868,) and may transmit such plan to the Minister of Public Works, with an application (supported by affidavit) on behalf of the Company, referring to such plan, and stating that certain ground shown thereon is necessary for the purposes aforesaid, and that no other ground suitable can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the minister to authorize the taking thereof, for such purposes under this Act, of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan, and the truth of the allegations, in such application, shall be certified by the President or one of the Directors of the Company, and by their Engineer, and such plan and statement shall be made and transmitted to the Minister in duplicate.

2. The Minister of Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shown on such plan, or any less quantity, should be acquired by the Company, and such certificate shall be annexed to some of the duplicates of the said plan and statement, and the

other duplicate shall remain in the Office of the Minister.

3. Upon the granting of such certificate as aforesaid by the Minister of Public Works, and by virtue thereof the Company shall have power to take the ground shown on the said plan as required for the purposes aforesaid, without the consent of the proprietors, and the Company, and all corporations or parties who could not otherwise convey the same to the Company, shall have, with respect to any such ground, all the powers granted by the ninth section of the Railway Act, 1868, headed, "Lands and their Valuation" to Railway Companies, corporations and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof, and the enactments and provisions of the said section, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Minister of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground, or any part thereof, with or without the consent of the proprietor; and if at any time thereafter the Company shall not require the whole or any portion of the land acquired under this Act for Railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper.

4. Any such certificate as aforesaid, purporting to be signed by the Minister of Public Works, shall be received authentic in all Courts of Law or Equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

ERRATA.

P. 12.—The last phrase of clause 15 should read thus: "The provisions of this clause are, however, subject to the sanction of Parliament."

P. 20.—The first five lines of clause 36 should read thus: "That the Directors be thirteen in number, of whom seven shall be a quorum, and provided such quorum be present, any absent Director may be represented and vote by another Director as his proxy."

P. 28, l. 1, read "given in the Official Gazette," &c.

